

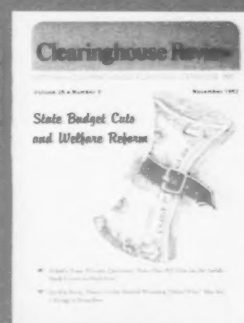
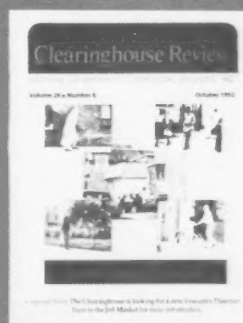
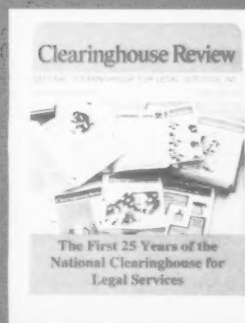
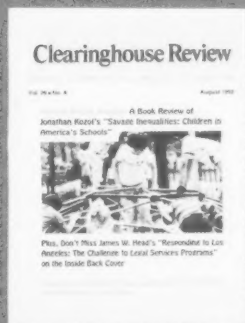
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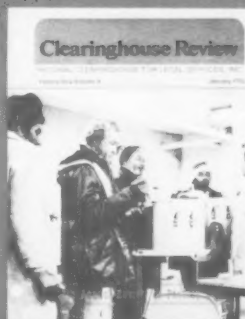
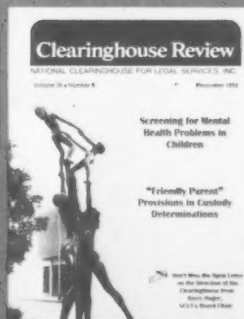
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Annual Index



Special Issue 1992 to April 1993



ANNUAL INDEX

Vol. 26 ♦ Nos. 1-12

Special Issue 1992 to April 1993

Special Issue

1992

Pages

1-140

May-June

1992

Pages

141-268

July

1992

Pages

269-386

August

1992

Pages

387-488

September

1992

Pages

489-598

October

1992

Pages

599-728

November

1992

Pages

729-878

December

1992

Pages

879-1002

January

1993

Pages

1003-1300

February

1993

Pages

1301-1444

March

1993

Pages

1445-1562

April

1993

Pages

1563-1660

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Preface

The **Annual Index to Volume 26**, Nos. 1-12 (Special Issue 1992 to April 1993), of the CLEARINGHOUSE REVIEW reminds us that we have completed the first year of our second quarter-century. The National Clearinghouse for Legal Services, aware of the Index as a handy guide to its resources, is pleased to be able to continue with this annual publication. For a comprehensive research into our case files we suggest that you use this latest Index along with the Cumulative Index to Volumes 1-17, the Annual Index to each of Volumes 18-25, and the LSC Data Base maintained on the Westlaw computer system. NCLS also offers free Electronic File Room (EFR) searches of its internal computer system as well as library assistance.

Our annual indexes are an important tool in your legal research. By referring to them, you can make the monthly issues of the REVIEW more useful. If you have suggestions or comments on ways to improve the Index, please write or call.

National Clearinghouse for Legal Services

How to Use This Index

This **Index** represents a topical categorization of all articles, columns, case developments, advance sheet highlights, and *Federal Register* highlights that have been reported in the CLEARINGHOUSE REVIEW during its 26th volume year, Special Issue 1992 to April 1993.

◆ Topical and Author Indexes

The **Articles and Columns Author Index** lists articles and columns by author name. The **Articles and Columns Topical Index** lists them by topic ①, includes the author name ②, and also contains short summaries of all articles and columns indexed ③.

The **Case Developments and Advance Sheet Highlights Topical Index** classifies all cases reported in the *Case Developments* and *Advance Sheet Highlights* sections of the REVIEW into subject categories. Most headings contain *See* and *See also* references ④ directing readers to other major subject headings for information on that topic.

Within each major heading, the cases listed are divided into subtopics ⑤, the categories representing the most specific issues covered by that case.

The **Federal Register Highlights Topical Index** lists items under major headings only. The headlines used to report items from the *Register* are classified into subject categories and listed alphabetically within each category.

◆ Case Table

The **Case Table** lists alphabetically the names of the cases reported in the *Case Developments* and *Advance Sheet Highlights* sections of the REVIEW. For each case, the following information is provided:

① the Clearinghouse Number in brackets (refer to this number when requesting copies of abstracts of cases from NCLS);

② any case citations or the date of the decision, reported with the most recent citation last; and

③ the page number(s) of the REVIEW on which the case appears.

IMMIGRATION ①

History of the National Immigration Law Center

by Susan Drake and Charles Wheeler ② . . . 88

This article explores the diversity of immigration issues . . . ③

HILL-BURTON ACT

➤ *See also* HEALTH, MEDICAID, MEDICAL ASSISTANCE PROGRAMS, MEDICARE ④

Uncompensated Care ⑤

Flagstaff Medical Center v. Sullivan . . .

Abbey v. Sullivan, 788 F. Supp. 165
(S.D.N.Y. 1992); 978 F. 2d 37
(2d Cir. 1992) ② 572, 1525

* * *

Akins v. Sullivan [47,995] ① 208 ③

Index Contents

ARTICLES AND COLUMNS

Author Index	3
Topical Index	8

CASE DEVELOPMENTS & ADVANCE SHEET HIGHLIGHTS

Topical Index	20
Administrative Law	20
Adoption	21
Aid to Families with Dependent Children . .	21
AIDS	25
Aliens	25
Attorney Fees	26
Attorneys	29
Automobiles	29
Bankruptcy	30
Black Lung Benefits	31
Civil Procedure	31
Civil Rights	36
Class Action	37
Community Development	37
Conflict of Laws	37
Consumer	38
Contracts	42
Criminal Law and Procedure	42
Dependent and Neglected Children	42
Disability	45
Divorce	48
Domestic Relations	49
Driver's License	51
Due Process	51
Education	52
Elections	54
Employment	55
Employment Discrimination	55

Energy	57
Environmental Law	57
Equal Protection	58
Evidence	58
Food Programs	59
Freedom of Information	60
Garnishment	60
Government	61
Handicapped Persons	61
Health	61
Hill-Burton Act	63
Housing	63
Illegitimate Children	74
Immigration	75
In Forma Pauperis	76
Income Tax	76
Indians	76
Insurance	76
Jails	76
Judges	76
Juvenile Courts	76
Juvenile Institutions	76
Juveniles	77
Landlord-Tenant	77
Language Discrimination	77
Legal Services	77
Liens	77
Medicaid	77
Medical Assistance Programs	80
Medicare	81
Mental Health	82
Migrants	85
Military	85
Mobile Homes	86
Municipal-Government Services	86

Native Americans	86
Pardon and Parole	87
Paternity	87
Pensions	87
Police	87
Prisons	87
Privacy	90
Probate	90
Public Housing	90
Public Utilities	90
Railroad Retirement Plan	91
Relocation	91
Repossession	91
Rural Issues	91
Senior Citizens	91
Social Security Programs	92
Supplemental Security Income	96
Taxes	98

Truth in Lending	99
Unemployment Compensation	99
Unions	103
Veterans	103
Welfare	103
Women's Rights	106
Workers' Compensation	106
Zoning	107
Case Table	108

FEDERAL REGISTER HIGHLIGHTS

Topical Index	146
-------------------------	-----

ORDER FORMS *at back*

Articles and Columns

Author Index

A

Avila, Daniel

- Medical Treatment Rights of Older Persons
and Persons with Disabilities: 1992
Developments (Part 1) 1267
- Medical Treatment Rights of Older Persons
and Persons with Disabilities: 1992
Developments (Part 2) 1303

B

Billings, Lucy

- Tenants of Federally Financed Housing Lose
Rights to Lead Paint Abatement 1583

Blaser, John

- Faster Than a Speeding Modern: LegalAid/Net
Helps Program Win Its Case 542

> See also Stevenson, Katherine

Bonnyman, Gordon

- Deciding Who Swims with the Sharks: Boren
Amendment Litigation 302

Boston, John; Davison, Laurie; Deford, Gill; Diller, Matthew; Jackson, Shirley; Lawlor, Brian

- Minding the Courthouse Door: Decisions
Concerning Access to Federal Court
Issued During the Supreme Court's
1991-92 Term 790

Brewer, Bess M.

- Risky Business: Five Years of Navigating the
Medicare Part B Appeals Process 537

Brewer, Bess M.; Chiplin, Alfred J., Jr.

- Cutting Costs: Medicare Part B
Advocacy Tools 629

Burns, Anne M.

> See Linton, M. DeSales

Butts, Cassandra Q.

- The Color of Money: Barriers to Access
to Private Health Care Facilities for
African-Americans 159

C

Caftel, Brad

> See Chang, Debbie

Carey, Kevin

- Training Now and Then 83

Carson, Marlis

> See Johns, A. Frank

Carty, Lee A.

- The Mental Health Law Project's 20 Years 57

Casey, Timothy J.

- The Enforcement of Social Security
Act State Plan Requirements After *Suter v.*
Artist M. 403

Center for Law and Education

- Developments in Education Law 1113

Center on Social Welfare Policy and Law

- The New Welfare Cutbacks and Litigation
Responses 756
- Welfare Law Developments 1175

Chang, Debbie; Caftel, Brad

- Creating Opportunities Through
Litigation: Community Economic
Development Remedies 1057

Chiplin, Alfred J., Jr.

- Status of the Older Americans Act 617
- The Medicare Limiting Charge: An Issue of
Implementation and Enforcement 167

> See also Brewer, Bess M.

D

Dailard, Cynthia; Melden, Michele

- Screening for Mental Health Problems
in Children 898

Davis, Martha F.; Wetherfield, Alison

- A Primer on Sexual Harassment Law 306

Davison, Laurie

- > See Boston, John

Deford, Gill

- Twenty Years of the National Senior Citizens
Law Center: A Personal Recollection 117

- > See also Boston, John

DeMichele, Patricia

- > See Schuster, Michael

DeWolfe, Ruthanne

- The View from Inside the Heads of Correctional
Officials: The Legacy of *Resweber* 1007

Diller, Matthew

- > See Boston, John

Drake, Susan; Wheeler, Charles

- History of the National Immigration
Law Center 88

E

Edelstein, Stephanie

- > See Wood, Erica

Erickson, Nancy A.

- Obtaining Adequate Support for Children:
Preventing Downward Deviations from the
Presumptive Guidelines Amount 530

F

Fatoullah, Ellice

- Medicaid Home Care for the Elderly and
Persons with Disabilities 882

Finberg, Jeanne

- Federal Practice Tips: Litigating Medicaid
Class Actions 1592

- > See also Nemore, Patricia B.

Forman, Jonathan Barry

- Poverty Levels and Federal Tax
Thresholds: 1992 519

Freedman, Henry

- Food, Clothing, and Shelter: A Quarter-Century
of Welfare Law, with No End in Sight 94

Fretz, Burton D.

- Using the EEOC Investigative File in
Employment Discrimination Cases 422

G

Gonzales, Helen

- The Continued Need for Utility Payment
Assistance 1338

Gottlich, Vicki

- ERISA Preemption: A Stumbling Block to State
Health Care Reform 1469

- > See also Johns, A. Frank

- > See also Park, Marilyn

Gottlich, Vicki; Talbert, Robin

- Future Issues Under the Americans with
Disabilities Act 613

H

Hardin, Jane

- Disability Advocacy Projects: Programs That
Assist Low-Income Clients and Ease State
Government Fiscal Problems 776

Hardin, Jane; Hulin, Charles; Ivry, Rebecca

- State-Funded Medicare Advocacy Projects 625

Hauser, Sandra

- Securing Continued AFDC Benefits During a
State Budget Crisis 411

Hennington, Lorna

- > See Melden, Michele

Hershkoff, Helen

- > See Nickerson, Louisa

Houseman, Alan W.

- Advocacy Responses to State Budget Cuts and
Reform Proposals 731

- A Historical Perspective on the Center for Law
and Social Policy 32

- > See also Singer, Linda

Hudson, Mike

- Stealing Home: How the Government and
Big Banks Help Second-Mortgage
Companies Prey on the Poor 1476

Hulin, Charles

> See Hardin, Jane

I

Ivry, Rebecca

> See Hardin, Jane

J

Jackson, Shirley

> See Boston, John

Johns, A. Frank; Gottlich, Vicki; Carson, Marlis

Guardianship Jurisdiction Revisited: A
Proposal for a Uniform Act 647

K

Keest, Kathleen

Spiking and Loan-Splitting in Home
Improvement Financing: Artful Dodges 415

Kemp, John Paul

Managing Computerized Case Management . . 1446

Klein, Gary

Giving Your Client a Fresh Start: New Supreme
Court Decision Highlights the Exemption
Process in Bankruptcy 906

L

Lav, Iris J.; Shapiro, Isaac

Work and Poverty: State-Level Policies That
"Make Work Pay" 744

Labovitz, Hunter

> See Nickerson, Louisa

Lawlor, Brian

> See Boston, John

Lewis, Carrie

Food Stamp Program Developments 1069
> See also Nickerson, Louisa

Lewis, Michael

> See Singer, Linda

Linton, M. DeSales; Mincberg, Elliot M.

The Civil Rights Act of 1991: A
Section-by-Section Analysis 1217

Lisi, Lauren Barritt; Burns, Anne M.

Mediation in Guardianship Cases: A Promising
Alliance 644

M

Mannix, Mary R.

The AFDC Lump Sum Rule: How It Works and
How to Avoid It 271

McFate, Katherine

Social Policies for a Global Economy 1329

Melden, Michele

> See Dailard, Cynthia

Melden, Michele; Hennington, Lorna

Quality Assurance in Medicaid
Managed Care 1450

Mental Health Law Project

Mental Health Developments 1079

Migrant Legal Action Program

Farm Worker Law Developments 1163

Mincberg, Elliot M.

> See Linton, M. DeSales

N

National Center for Youth Law

Legal Issues Affecting Poor Children
and Youth 102
Youth Law Developments 1031

**National Center on Women and Family
Law**

Annual Review of Family Law 1223

National Consumer Law Center

Consumer and Energy Law: 25 Years and
Beyond 27
Consumer and Energy Law Developments . . . 1095

National Employment Law Project

Employment Law Developments 1135

National Health Law Program

Health Access: An Issue Whose
Time Has Come 1211
Reflections on 25 Years of Health
Law Advocacy 110

National Housing Law Project

Federal Housing Policies in 1992 1191

The Law in the Life of a Low-Income Tenant . . .	40
Recent Developments Affecting Homeless People	1205
National Immigration Law Center	
Immigration Law Developments: Relief for Battered Spouses, Widows, and Abandoned Children	1151
National Senior Citizens Law Center	
The Law of the Elderly Poor in 1992	1245
National Veterans Legal Services Project	
The Past Decade of Veterans Law	21
Veterans Law Developments	1043
Nemore, Patricia B.; Finberg, Jeanne	
MCCA Updates: Qualified Medicare Beneficiaries and Restrictive Medicaid Rules	601
Nickerson, Louisa; Labovitz, Hunter; Lewis, Carrie; Hershkoff, Helen	
Representing Food Stamp Claimants in Fraud and Overissuance Cases	1565
Norrgard, Lee	
> See Stiegel, Lori A.	

P

Park, Marilyn; Wood, Erica; Gottlich, Vicki	
Developing a Legal Services Program Policy on Alternative Dispute Resolution: Important Considerations for Older Clients and Clients with Disabilities	635
Pepper, Beth	
Highlights in Fair Housing Law: Strengthening the Rights of People with Disabilities to Live in the Community of Their Choice	1458
Perkins, Jane	
Recognizing and Attacking Environmental Racism	389
Perluss, Deborah	
Book Review: Jonathan Kozol's <i>Savage Inequalities: Children in America's Schools</i>	398
Pressman, Robert	
Twenty-Three Years of Education Advocacy: Progress, Lessons, and Future Challenges	10

Q

Quinn, Adrienne

The Unaffordability of Water and Sewer Costs for Low-Income Households: Causation and Approaches to the Problem	312
---	-----

R

Roberts, Paula

An Idea Whose Time Has Come: Child Support Assurance	766
Cooperation in the Pursuit of Medical Support as an Eligibility Condition for AFDC and Medicaid	295
Paternity Establishment: An Issue for the 1990s	1019

Rosmarin, Yvonne M.

Stopping Defaults with Late Payments	154
--	-----

S

Sabatino, Charles P.

> See Wood, Erica

Sanders, Susan; Thomas, Debbie

Native American Rights Fund: Our First 20 Years	49
---	----

Saunders, Margot

The Safe Drinking Water Act—Dilemmas for the Poor	1587
---	------

Saunders, Margot; Vogel, Diane

Strategies for Keeping the Lights On	523
--	-----

Savage, Kim

Lack of Bilingual Services at Social Security Offices: Why Non-English-Speaking Clients Are Not Getting Help	911
--	-----

Schmidt, Joey D.

Survival Under the New FmHA Rules	406
---	-----

Schneider, Cynthia G.

Migrant Legal Services: The Challenges of Effective Advocacy	4
--	---

Schuster, Michael; DeMichele, Patricia; Vignery, Bruce

Nursing Home Transfer and Discharge Protections: Rights Not Fully Recognized	619
--	-----

Shapiro, Isaac

> See Lav, Iris J.

Singer, Elizabeth

> See Singer, Linda

**Singer, Linda; Lewis, Michael;
Houseman, Alan; Singer, Elizabeth**

- Alternative Dispute Resolution and the Poor
Part I: What ADR Processes Exist and Why
Advocates Should Become Involved 142
Part II: Dealing with Problems Using ADR and
Choosing a Process 288

Stevenson, Katherine; Blaser, John

- The First 25 Years of the National
Clearinghouse for Legal Services 491

**Stiegel, Lori A.; Norrgard, Lee; Talbert,
Robin**

- Scams in the Marketing and Sale of Living
Trusts: A New Fraud for the 1990s 609
> See also Wood, Erica

Super, David A.

- 1990 Farm Bill's Inaccessible-Resource
Provision Applies to Vehicles 1343

T

Talbert, Robin

- > See Gottlich, Vicki
> See also Stiegel, Lori A.

Taubman, Daniel M.

- The Role of State Support Centers in the
1990s and Beyond 75

Thomas, Debbie

> See Sanders, Susan

V

Vignery, Bruce

> See Schuster, Michael

Vogel, Diane

> See Saunders, Margot

W

Wetherfield, Alison

> See Davis, Martha F.

Wheeler, Charles

> See Drake, Susan

**Wood, Erica; Stiegel, Lori A.; Sabatino,
Charles P.; Edelstein, Stephanie**

- Overview of 1992 State Law Changes in
Guardianship, Durable Power of Attorney,
Healthcare Decisions, and Home Equity
Mortgages 1277
> See also Park, Marilyn

Z

Zorza, Joan

- "Friendly Parent" Provisions in Custody
Determinations 921 ♦

Articles and Columns

Topical Index

ATTORNEYS/ LEGAL SERVICES

A Historical Perspective on the Center for Law and Social Policy

by Alan Houseman 32

Although the Center for Law and Social Policy does not receive funding from LSC, it actively assists in developing public interest law. This article summarizes CLASP's major achievements in the past and outlines its strategy for reducing poverty in the future.

Alternative Dispute Resolution and the Poor

Part I: What ADR Processes Exist and Why Advocates Should Become Involved

Part II: Dealing with Problems Using ADR and Choosing a Process

by Linda Singer, Michael Lewis, Alan
Houseman, and Elizabeth Singer . . . 142, 288

New institutions and nonjudicial methods for resolving disputes, promulgating rules, and budgeting funds are known collectively as alternative dispute resolution. Part I of this two-part article gives an overview of these processes and considers their relevance to legal services. Part II poses questions that should be raised about ADR processes and suggests sources for further exploration of these programs.

Developing a Legal Services Program Policy on Alternative Dispute Resolution: Important Considerations for Older Clients and Clients with Disabilities

by Marilyn Park, Erica Wood, and
Vicki Gottlich 635

This article encourages legal services advocates for the elderly and disabled to become more familiar with, and play an active role in, alternative dispute resolution programs. It focuses on the ways that they can use ADR to safeguard and strengthen the rights of their clients and describes which clients and cases will benefit from ADR.

Faster Than a Speeding Modem: LegalAid/Net Helps Program Win Its Case

by John Blaser 542

Discover how LegalAid/Net was instrumental in Legal Services of Northern California winning its due process argument in *Barnes v. MacMahon*.

Managing Computerized Case Management

by John Paul Kemp 1446

Effective use of a case management system can improve the advocacy of an office; this article describes how to implement and manage use of case management software in a legal services office.

Mediation in Guardianship Cases: A Promising Alliance

by Lauren Barrit Lisl, Anne M. Burns 644

This article describes the Center for Social Gerontology's recently established adult

guardianship mediation project. It explains the need for the project, the types of clients it serves, and what it hopes to accomplish.

The First 25 Years of the National Clearinghouse for Legal Services

by Katherine Stevenson and John Blaser . . . 491

This article reviews the development and major accomplishments of the National Clearinghouse for Legal Services during its first 25 years. Included are a brief history of the legal aid movement, a description of the founding of the Clearinghouse, and an account of the Clearinghouse's role in the legal services community.

The Role of State Support Centers in the 1990s and Beyond

by Daniel M. Taubman . . . 75

The National Organization of State Support (NOSSU) recently commissioned a thorough examination of state support programs. This article summarizes the consultants' report and examines the role of state support centers in the legal services community in this decade and beyond.

Training Now and Then

by Kevin Carey . . . 83

Training maintains an important role in legal services, despite decreases in funding. This article describes the history of "centralized" and "decentralized" training in legal services and discusses possible priorities for training in the future.

BANKRUPTCY

Giving Your Client a Fresh Start: New Supreme Court Decision Highlights the Exemption Process in Bankruptcy

by Gary Klein . . . 906

This article discusses the impact of the recent Supreme Court decision, *Taylor v. Freeland & Kronz*, on debtors' retention of claimed exemptions in bankruptcy. The article also provides helpful advice on how to maximize benefits from the exemption process for client debtors.

CIVIL PROCEDURE/ ADMINISTRATIVE LAW

Federal Practice Tips: Litigating Medicaid Class Actions

by Jeanne Finberg . . . 1592

This article contains several federal practice tips for beginning legal services attorneys who may be reluctant to bring a class action. It discusses what questions should be asked before filing a suit, including whether a class action is appropriate, whether preliminary relief should be sought, and whether the case should be filed in state or federal court. Issues of settlements, appeals, and attorney fee rates are also explored.

Minding the Courthouse Door: Decisions Concerning Access to Federal Court Issued During the Supreme Court's 1991-92 Term

by John Boston, Laurie Davison,
Gill Deford, Matthew Diller, Shirley Jackson,
and Brian Lawlor . . . 790

This article describes a number of decisions issued by the Court during the last term that have significant implications for the ability of low-income individuals to obtain redress in the federal courts.

The Enforcement of Social Security Act State Plan Requirements After *Suter v. Artist M.*

by Timothy J. Casey . . . 403

Following the Supreme Court's decision in *Suter v. Artist M.*, some defendant state officials have argued that Social Security Act program beneficiaries may no longer sue to enforce state plan amendments.

CONSUMER

Consumer and Energy Law Developments

by the National Consumer Law Center . . . 1095

Topics discussed in this article are usury and how the definition and interpretation of certain contract terms affect "interest"; foreclosure defenses and "truth in lending" rescission; bankruptcy; debt collection and the decision interpreting the Fair Debt Col-

lection Practices Act; the effect of the Higher Education Amendments of 1992 on student loan defaulters; proposed revisions in U.C.C. Articles 2 and 9; the effect of escalating water and sewer rates on low-income consumers; and 1993 funding for the Low-Income Home Energy Assistance Program.

Consumer and Energy Law: 25 Years and Beyond

by the National Consumer Law Center 27

This article reviews consumer and energy law developments over the past 25 years and highlights emerging issues and strategies for protecting consumers' rights.

Spiking and Loan-Splitting in Home Improvement Financing: Artful Dodges

by Kathleen Keest 415

This article explains the three-day cancellation right that is required to be included in home improvement sales contracts and the various tactics that contractors use to dodge this important consumer right.

Stealing Home: How the Government and Big Banks Help Second-Mortgage Companies Prey on the Poor

by Mike Hudson 1476

Deregulation of lending practices has led to abuses of unsophisticated consumers, higher default rates, and loss of homes; this article describes how hundreds of thousands of consumers have been victimized by predatory second mortgage companies.

Stopping Defaults with Late Payments

by Yvonne M. Rosmarin 154

This article explains how delinquent debtors of installment sale contracts can use waiver and estoppel theories as defenses in breach of contract cases for default and acceleration. The author also discusses the various ways that courts have found to rule for debtors when creditors rely on nonwaiver provisions incorporated into credit agreements.

DISABILITY

Future Issues Under the Americans with Disabilities Act

by Vicki Gottlich and Robin Talbert 613

The Americans with Disabilities Act is a new tool for advocates fighting to improve the quality of life of older people with disabilities; issues to consider include the Act's application to nursing facilities and religious organizations, establishing disability, and limiting the cost defense.

Highlights in Fair Housing Law: Strengthening the Rights of People with Disabilities to Live in the Community of Their Choice

by Beth Pepper 1458

Federal courts have strengthened the rights to fair housing of individuals with disabilities. This article reviews decisions in 1992 under the Fair Housing Act and the Americans with Disabilities Act.

DOMESTIC RELATIONS

"Friendly Parent" Provisions in Custody Determinations

by Joan Zorza 921

"Friendly parent" provisions, which make each parent's receptivity toward sharing parental responsibility a factor for courts to consider in making child custody decisions, create numerous problems for women and children.

Annual Review of Family Law

by the National Center on Women and Family Law 1223

This article discusses recent developments in family law, particularly state and federal laws and cases concerning battered women's issues, and child support and custody.

Obtaining Adequate Support for Children: Preventing Downward Deviations from the Presumptive Guidelines Amount*by Nancy A. Erickson* 530

In order to make an argument for or against deviation from the presumptive guidelines for determining child support levels, advocates must be knowledgeable about how the guidelines were computed in their particular state and what grounds for deviation are available.

Paternity Establishment: An Issue for the 1990s*by Paula Roberts* 1019

Twenty-seven percent of all children born in America are nonmarital children. With the poverty rate for children of never-married parents at 54 percent in 1989, child support enforcement is an increasingly important issue. This article discusses reform attempts in the paternity establishment system, since paternity must be established before child support can be obtained.

ECONOMIC DEVELOPMENT**Creating Opportunities Through Litigation: Community Economic Development Remedies***by Debbie Chang and Brad Catfel* 1057

Incorporating community economic development remedies into litigation can result in relief that benefits not only plaintiffs but a broader population of low-income residents.

EDUCATION**Book Review: Jonathan Kozol's *Savage Inequalities: Children in America's Schools****by Deborah Perluss* 398

In *Savage Inequalities: Children in America's Schools*, Jonathan Kozol chronicles the failures of public education, which he argues are symptomatic of the broader phenomenon of urban degradation.

Developments in Education Law*by the Center for Law and Education* 1113

This article covers developments under the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act Amendments, Chapter 1, the Higher Education Amendments of 1992, and federal education reform.

Twenty-Three Years of Education Advocacy: Progress, Lessons, and Future Challenges*by Robert Pressman* 10

The Center for Law and Education has worked to promote access to education since 1969; this article discusses some significant developments in education advocacy to date and highlights current and former issues.

EMPLOYMENT**A Primer on Sexual Harassment Law***by Martha F. Davis and Alison Wetherfield* . . . 306

This article provides an overview of federal law prohibiting sexual harassment in the workplace and in the sale and rental of housing. It also gives useful advice on informal actions that can be taken to challenge harassment prior to filing a legal action.

Employment Law Developments*by the National Employment Law Project* . . . 1135

This year the adoption of three Acts made significant changes in the area of employment law: the Emergency Unemployment Compensation Act extended benefits beyond the 26 weeks available in most states, the Americans with Disabilities Act removed barriers to the entry of works into the work force, and the Civil Rights Act of 1991 restored some individual and group employment rights. This article discusses these Acts and other recent developments affecting employment law.

The Civil Rights Act of 1991: A Section-by-Section Analysis

by M. DeSales Linton and Elliot M. Mincberg 1217

The Civil Rights Act of 1991 provides important new tools for advocates representing employment discrimination claimants. This article features a section-by-section analysis of the Act and describes how various Supreme Court cases have been affected by the legislation.

Using the EEOC Investigative File in Employment Discrimination Cases

by Burton D. Fretz 422

EEOC investigative files contain information that is highly useful to employment discrimination claimants and their attorneys. This column summarizes current law governing access to these files.

Work and Poverty: State-Level Policies That "Make Work Pay"

by Iris J. Lav and Issac Shapiro 744

Although federal tax changes have removed most poor families from the federal income tax rolls, state and local governments have been increasing the tax burden imposed on the poor. As a result, a large number of the working poor cannot raise themselves out of poverty. This article examines some of the methods that states have taken to help the working poor, including higher minimum wages, more gradual welfare benefit reductions for working families, policies to exempt the working poor from state income taxes, earned income tax credits, state sales tax offset credits, and state property tax circuit breakers.

ENVIRONMENTAL LAW

Recognizing and Attacking Environmental Racism

by Jane Perkins 389

Environmental hazards disproportionately affect poor people of color. This article discusses legal strategies to address the location of hazardous waste sites and exposure of children to toxic levels of lead.

FOOD PROGRAMS

1990 Farm Bill's Inaccessible-Resource Provision Applies to Vehicles

by David A. Super 1343

This column argues that the 1990 Farm Bill's inaccessible-resource provision applies to vehicles, exempting many of them from being considered a resource in food stamp eligibility determinations.

Food Stamp Program Developments

by Carrie Lewis 1069

The 1991 technical amendments to the 1990 Farm Bill changed several significant aspects of the Food Stamp Program, including the application process, eligibility criteria, and grievance procedures. Some of these changes were favorable to clients; some were not. This article discusses these and other legislative changes as well as recent litigation that affects food stamp applicants and recipients.

Representing Food Stamp Claimants in Fraud and Overissuance Cases

by Louisa Nickerson, Hunter Labovitz, Carrie Lewis, and Helen Hershkoff 1565

Although intentional violations of the Food Stamp Program (IPVs) are rare, media coverage of sensational fraud cases has created the perception of rampant abuses. States are aggressively enforcing the Food Stamp Act's antifraud provisions, which leads to infringement of claimant's rights. This article examines the fraud and overissuance recovery process and presents suggestions for addressing problems.

HEALTH

Cutting Costs: Medicare Part B Advocacy Tools

by Bess M. Brewer and Alfred J. Chiplin 629

Advocates must be knowledgeable about the Medicare provisions that reduce or eliminate beneficiary financial liability for Medicare charges in order to represent clients competently. This article focuses on the provisions

that hold down costs to beneficiaries under Medicare Part B.

Deciding Who Swims with the Sharks: Boren Amendment Litigation

by Gordon Bonnyman 302

Enacted in 1980, the Boren Amendment to the Medicaid statute requires hospitals and nursing home reimbursements to be reasonable and adequate to meet the costs of economically operated facilities. This article suggests ways for advocates to become involved in provider reimbursement disputes.

ERISA Preemption: A Stumbling Block to State Health Care Reform

by Vicki Gottlich 1469

This column discusses the ERISA preemption of state laws that relate to employee benefit plans, and its ramifications for state health care reform.

Health Access: An Issue Whose Time Has Come

by the National Health Law Program 1211

This article discusses both state and federal developments that occurred during 1992 in health care reform, Medicaid, environmental health, Hill-Burton requirements, AIDS, tuberculosis, continued COBRA coverage, and patient dumping. It gives an overview of new legislative and administrative changes and examines court rulings that will affect these various issues.

MCCA Updates: Qualified Medicare Beneficiaries and Restrictive Medicaid Rules

by Patricia B. Nemore and Jeanne Finberg . . . 601

This article describes two provisions of the Medicare Catastrophic Coverage Act of 1988 that significantly affect elderly persons—the Qualified Medicare Beneficiary (QMB) benefit and Section 303(e) rules limiting states' use of restrictive Medicaid eligibility methodologies. The article discusses the implementation and interpretation of the provisions and issues for advocacy.

Medicaid Home Care for the Elderly and Persons with Disabilities

by Ellice Fatoullah 882

This article argues that home health and personal care services are nationally required Medicaid services for a significant portion of the elderly and those with disabilities. It outlines federal Medicaid home care statutes and regulations and explains New York's expansive home care program.

Medical Treatment Rights of Older Persons and Persons with Disabilities: 1992 Developments, Parts 1 and 2

by Daniel Avila 1267, 1303

Part 1 of this article covers legislative, administrative, and judicial developments at the federal level, and legislative developments at the state level, regarding the medical treatment rights of persons with disabilities. Part 2 covers state court developments in 1992 affecting the medical treatment rights of persons with disabilities, including the removal of life-sustaining treatment for never-competent persons, the definitions of human being and personhood with respect to individuals with substantial disabilities, and assisted suicide.

Nursing Home Transfer and Discharge Protections: Rights Not Fully Recognized

by Michael Schuster, Patricia DeMichele, and
Bruce Vignery 619

This article surveys federal provisions protecting nursing home residents against unreasonable involuntary transfers and discharges and reports on states' implementation of these provisions.

Quality Assurance in Medicaid Managed Care

by Michele Melden and Lorna Hennington . . . 1450

Quality assurance is a means of monitoring the quality of care that managed health care plans are providing. This article summarizes different kinds of managed care plans, discusses states' monitoring of the quality of care received by Medicaid recipients, and suggests areas in which clearer, more uniform standards are needed.

Reflections on 25 Years of Health Law Advocacy

by the National Health Law Program 110

This article reviews historical developments in Medicaid and Hill-Burton law and looks ahead to issues facing health law advocates in the future.

Risky Business: Five Years of Navigating the Medicare Part B Appeals Process

by Bess M. Brewer 537

Despite legislation intended to increase access to judicial review of Medicare Part B claims, advocates have been hampered by HCFA's implementation of the appeal provisions. This column traces the first five years of the "enhanced" appeals process.

State-Funded Medicare Advocacy Projects

by Jane Hardin, Charles Hulin, and Rebecca Ivry 625

This article describes state-funded Medicare advocacy projects—their beginnings, their program goals, and their operational strategies.

The Color of Money: Barriers to Access to Private Health Care Facilities for African-Americans

by Cassandra Q. Butts 159

This article presents a historical overview of discrimination against African-Americans in health care and looks specifically at three barriers to access: hospital closures and relocations, emergency room care, and nursing homes.

The Medicare Limiting Charge: An Issue of Implementation and Enforcement

by Alfred J. Chiplin, Jr. 167

This article discusses Medicare's "limiting charge" provision, which is applicable to the charges of physicians who do not participate in the Medicare Physician Assignment Program. Since HCFA has failed to implement many of the monitoring provisions, advocates should be aware of what they and their clients can do to force physician compliance.

HOUSING

Federal Housing Policies in 1992

by the National Housing Law Project 1191

In 1992 the most significant congressional action was the severe reduction in funding for additional housing assistance for families and individuals with incomes at the poverty level; in addition, there were some favorable statutory changes and a number of positive developments in the courts.

Recent Developments Affecting Homeless People

by the National Housing Law Project 1205

The definition of "homeless" was revised during 1992 by certain legislation, and steps were taken in some states to criminalize homelessness. Moreover, changes were made in the AFDC-EAF program, the homeless veterans programs, and in evictions and termination assistance to homeless people in emergency shelters and transitional housing programs. This article reviews various developments in 1992, in both legislation and litigation, affecting homeless people's rights.

Tenants of Federally Financed Housing Lose Rights to Lead Paint Abatement

by Lucy Billings 1583

The Residential Lead-Based Paint Hazard Reduction Act amended the federal mandate to eliminate lead paint hazards, robbing tenants of federally assisted housing of rights they had long pursued.

The Law in the Life of a Low-Income Tenant

by the National Housing Law Project 40

A decent and affordable home located in a well-served neighborhood is one of the building blocks for success. This article examines developments in the law as it affects low-income tenants.

IMMIGRATION

History of the National Immigration Law Center

by Susan Drake and Charles Wheeler 88

This article explores the diversity of immigration issues with which the National Immigration Law Center has been involved during the last decade. It also describes some of the Center's other accomplishments and the services that it provides.

Immigration Law Developments: Relief for Battered Spouses, Widows, and Abandoned Children

by the National Immigration Law Center 1151

This article discusses recent developments in immigration law affecting battered spouses and widows of U.S. citizens, abandoned children, and family members of legalized aliens.

JUVENILES

Legal Issues Affecting Poor Children and Youth

by the National Center for Youth Law 102

Twenty percent of American children live in poverty. This article outlines the legal issues affecting poor children and youth, including government benefits, the child welfare system, the institutionalization of children, the rights of immigrant children, health care, and housing.

Youth Law Developments

by the National Center for Youth Law 1031

This article reviews developments in youth law during 1992, including the impact of *Artist M.*, liability of child welfare employees for the safety of children in state custody, implementation of changes mandated in *Zebley*, the rights of juveniles in institutions, and fair housing for families with children.

MENTAL HEALTH

Mental Health Developments

by the Mental Health Law Project 1079

This article discusses major developments in mental health law in 1992, including decisions advancing the rights of institutionalized persons with mental disabilities, improved standards for mental health systems, the ADA's implications for the treatment of persons with mental disabilities, and mental health programs for children.

Screening for Mental Health Problems in Children

by Cynthia Dailard and Michele Melden 898

This article examines the challenges faced by primary care providers who are responsible for identifying mental health problems in children and explains various screening mechanisms that are being used by four states in their EPSDT programs. The article also identifies a number of expert-developed screening instruments that have been proven to be effective and reliable in identifying mental health disorders in children.

The Mental Health Law Project's 20 Years

by Lee A. Carty 57

This article provides an overview of modern mental disability law and the Mental Health Law Project's history, beginning with its founding 20 years ago.

MIGRANTS

Farm Worker Law Developments

by the Migrant Legal Action Program 1163

Migrant farm workers won several landmark victories in the courts, as well as in state and federal legislatures, during 1992. This article describes these developments and others relating to FLSA and state wage laws, pesticides, field sanitation, the temporary foreign agricultural worker program, unemployment insurance benefits, food stamps, taxes, and migrant housing.

Migrant Legal Services: The Challenges of Effective Advocacy*by Cynthia G. Schneider 4*

This article outlines the last 25 years of migrant legal services and examines the important cases and statutes affecting farmworkers, including the Migrant and Seasonal Agricultural Worker Protection Act (AWPA).

NATIVE AMERICANS**Native American Rights Fund: Our First 20 Years***by Susan Sanders and Debbie Thomas 49*

This article examines the development of the relatively new area of Indian Law and the contributions that the Native American Rights Fund has made to its growth. During the past 20 years, NARF has had a tremendous impact on Indian rights in areas of preservation of tribal existence, protection of tribal resources, promotion of human rights, and accountability of federal and state governments to Indian tribes.

PRISONS**The View from Inside the Heads of Correctional Officials: The Legacy of Resweber***by Ruthanne DeWolfe 1007*

Plaintiffs challenging the constitutionality of prison conditions must now establish that prison officials were deliberately indifferent to the inhumane conditions at issue; this article discusses the standard for establishing an Eighth Amendment violation announced in *Wilson v. Seiter* and cases decided under that standard.

PUBLIC UTILITIES/ENERGY**Consumer and Energy Law Developments***by the National Consumer Law Center 1095*

Topics discussed in this article are usury and how the definition and interpretation of certain contract terms affect "interest"; foreclosure defenses and "truth in lending"

rescission; bankruptcy; debt collection and the decision interpreting the Fair Debt Collection Practices Act; the effect of the Higher Education Amendments of 1992 on student loan defaulters; proposed revisions in U.C.C. Articles 2 and 9; the effect of escalating water and sewer rates on low-income consumers; and 1993 funding for the Low-Income Home Energy Assistance Program.

Consumer and Energy Law: 25 Years and Beyond*by the National Consumer Law Center 27*

This article reviews consumer and energy law developments over the past 25 years and highlights emerging issues and strategies for protecting consumers' rights.

Strategies for Keeping the Lights On*by Margot Saunders and Diane Vogel 523*

This column describes various regulations, statutes, common law, and legal theories that advocates can employ to help their clients retain or establish utility services.

The Continued Need for Utility Payment Assistance*by Helen Gonzales 1338*

Although the need for utility payment assistance has increased over the past few years, funding for LIHEAP has dropped. This article describes how the funding cuts have changed the program and examines the challenges that lie ahead for low-income consumers who cannot afford utility service.

The Safe Drinking Water Act—Dilemmas for the Poor*by Margot Saunders 1587*

The Safe Drinking Water Act seeks to ensure the provision of clean and sanitary water for public consumption. Implementation of the Act's stringent provisions, however, poses serious cost problems.

The Unaffordability of Water and Sewer Costs for Low-Income Households: Causation and Approaches to the Problem

by *Adrienne Quinn* 312

This column examines why ratepayers are footing the bill for federal clean water mandates, discusses the impact of these costs on low-income households, and outlines various models to address the increasing unaffordability of clean, running water and functioning sewer systems.

RURAL ISSUES

Survival Under the New FmHA Rules

by *Joey D. Schmidt* 406

FmHA's proposed new regulations drastically alter the position of delinquent FmHA borrowers. This column provides useful strategies for debt restructuring under the new regulations.

SENIOR CITIZENS

Guardianship Jurisdiction Revisited: A Proposal for a Uniform Act

by *A. Frank Johns, Vicki Gottlich, and Marlis Carson* 647

As interstate transfers of incapacitated adults have increased, so have the conflicts between states regarding the appointment of guardians. This article reviews the conflict-of-laws doctrine as it applies to guardianship and proposes that a uniform act be adopted similar to the Uniform Child Custody Jurisdiction Act.

Overview of 1992 State Law Changes in Guardianship, Durable Power of Attorney, Healthcare Decisions, and Home Equity Mortgages

by *Erica Wood, Lori A. Stiegel, Charles P. Sabatino, and Stephanie Edelstein* 1277

This article discusses current state legislation in guardianship, durable powers of attorney, home equity mortgages, and healthcare decisions.

Scams in the Marketing and Sale of Living Trusts: A New Fraud for the 1990s

by *Lori A. Stiegel, Lee Norrgard, and Robin Talbert* 609

Many older people are unfamiliar with or fearful about probate and guardianship; the marketing and sale of living trusts to them is an area ripe for fraud and abuse.

Status of the Older Americans Act

by *Alfred J. Chiplin, Jr.* 617

Update on the Older Americans Act, noting key provisions for law and aging advocates.

The Law of the Elderly Poor in 1992

by *the National Senior Citizens Law Center* 1245

This article reviews various court decisions and pieces of legislation and regulations enacted in the past year that will have an impact on the rights of the elderly poor. Topics discussed include age discrimination, the Americans with Disabilities Act, elderly housing, employer-sponsored pension and health benefits, home health care, Medicaid, Medicare, nursing facilities, the Older Americans Act, protective services, and social security and SSI benefits.

Twenty Years of the National Senior Citizens Law Center: A Personal Recollection

by *Gill Deford* 117

Gill Deford, a staff attorney with the National Senior Citizens Law Center for the past 16 years, reviews the history of NSCLC from a personal perspective. He discusses some of the staff members' achievements and describes the Center's focus and main activities.

SOCIAL SECURITY/SSI

Disability Advocacy Projects: Programs That Assist Low-Income Clients and Ease State Government Fiscal Problems

by *Jane Hardin* 776

Disability Advocacy Projects cost little to fund, are simple to administer, and return at least two dollars in direct savings—and usually much more—for every dollar a state

spends on them. This article describes the different kinds of projects and how to determine where they are feasible.

Lack of Bilingual Services at Social Security Offices: Why Non-English-Speaking Clients Are Not Getting Help

by Kim Savage 911

This column examines the Social Security Administration's current provision of bilingual services and provides detailed recommendations for improvement. It also offers helpful suggestions for advocates to secure bilingual services for their clients.

TAXATION

Poverty Levels and Federal Tax Thresholds: 1992

by Jonathan Barry Forman 519

Many low-income people who arguably should not have to pay any federal taxes have net federal tax liabilities. This article examines the extent to which families with incomes below the federal poverty income guidelines are required to pay federal income and social security taxes.

VETERANS/MILITARY

The Past Decade of Veterans Law

by the National Veterans Legal Services Project 21

This article describes some of the substantial developments affecting veterans during the past ten years, including the VA's rise to cabinet status, veterans' greater access to the judicial system to challenge VA decisions, and increased recognition of service-related disorders and diseases.

Veterans Law Developments

by the National Veterans Legal Services Project 1043

The decisions of the U.S. Court of Veterans Appeals have dramatically changed veterans law. This article summarizes some of CVA's major decisions in 1992, including VA's failure to follow its own rules and regulations and the inapplicability of the EAJA to

CVA proceedings. It also describes VA's new procedures to implement CVA's decisions. Finally, the article discusses new regulations affecting the Agent Orange class.

WELFARE

Advocacy Responses to State Budget Cuts and Reform Proposals

by Alan W. Houseman 731

This article examines state budget cuts and AFDC reform efforts and suggests ways to address the real problems of the welfare system as experienced by clients.

An Idea Whose Time Has Come: Child Support Assurance

by Paula Roberts 766

Under existing child support assurance programs, more single-parent families are freed from poverty because they get a guaranteed support payment of at least a basic amount each month. This article explores the concept of child support assurance, describes some of the current proposals, and suggests ways that legal services advocates and the client community can become more active in the development of such a system.

Cooperation in the Pursuit of Medical Support as an Eligibility Condition for AFDC and Medicaid

by Paula Roberts 295

This is the third of three articles discussing child support enforcement systems. It describes clients' obligations to cooperate in establishing paternity and obtaining medical support as a condition of receipt of public assistance.

Food, Clothing, and Shelter: A Quarter-Century of Welfare Law, with No End in Sight

by Henry Freedman 94

Major developments in welfare litigation, laws, and general philosophy have taken place during the last 25 years. This article discusses the changes made in the AFDC and GA programs during this period and ex-

plains how benefits have eroded and eligibility has been narrowed.

Securing Continued AFDC Benefits During a State Budget Crisis

by Sandra Hauser 411

This column sets out the legal arguments that can be made to challenge a state welfare agency's delay or failure to issue AFDC benefits due to problems with a state budget or appropriations.

Social Policies for a Global Economy

by Katherine McFate 1329

These are the thought-provoking opening remarks made at the Uniting Support Conference held in Chicago in September 1992. The author takes the position that our present welfare system is not very good and that, rather than go along with it, advocates for the poor must push for affirmative, proactive reform. The author looks at poverty in other industrial countries and explains why other countries have done a better job than the United States in protecting their citizens from material hardship.

The AFDC Lump Sum Rule: How It Works and How to Avoid It

by Mary R. Mannix 271

This article reviews the AFDC lump sum rule and the major issues arising under it. It also discusses developments in the law regarding the rule and offers suggestions for client representation.

The New Welfare Cutbacks and Litigation Responses

by the Center on Social Welfare
Policy and Law 756

This article describes the extensive welfare cutbacks of the 1990s and summarizes major litigation responses by poor people's advocates.

Welfare Law Developments

by the Center on Social Welfare
Policy and Law 1175

This article reviews welfare developments during the past year, including AFDC and GA benefit reductions, state AFDC demonstration projects with provisions designed to regulate recipients' behavior, child care for AFDC recipients in JOBS programs, electronic benefit transfer systems, and final HHS regulations involving the "minor parent" provision. ♦

Case Developments & Advance Sheet Highlights

Topical Index

This is a listing by topic of cases that appeared in the CLEARINGHOUSE REVIEW for the period covered by this Index (Vol. 26 ♦ Nos. 1-12 (Special Issue 1992 to April 1993)). The numbers in brackets (such as [48,257]) are Clearinghouse Numbers and must accompany all document reprint requests. Cases without Clearinghouse Numbers were reported in the "Advance Sheet Highlights" section of Volume 26 of the CLEARINGHOUSE REVIEW.

ADMINISTRATIVE LAW

Abuse of Discretion

Lamberton v. Sullivan [48,257] 679

♦ Appeals

♦ Constitutionality of Procedures

♦ De Novo Review

M.A. Bruder & Sons, Inc. v. Unemployment
Compensation Bd. of Review 471

Arbitrary and Capricious

Hussion v. Madigan 221

Bias of ALJ

Leon v. Michigan Bd. of Educ. 1626
Small v. Sullivan [46,451] 950

Exhaustion of Remedies

Abbey v. Sullivan 1525
Atoka State Bank v. Finch [48,167] 559
Cabinet for Human Resources, Ky. v. Northern
Ky. Welfare Rights Ass'n [46,422] 361
Casteel v. Vaade 457
On-Line Fin. Servs. v. Department of Human
Rights 690

Finality

Bacon v. Sullivan [46,478] 974
Muniz v. Sullivan 349

Hearings

Leon v. Michigan Bd. of Educ. 1626

♦ Public Hearings

Melton v. Rowe [48,423] 958

Judicial Review

Davis, *In re* [48,284] 677
Gertel v. School Comm. of Brookline
Sch. Dist. 352
Haitian Refugee Center, Inc. v. Baker 355
Indiana Dep't of Human Servs. v. Firth 459
Lopez v. Sullivan 349
M.A. Bruder & Sons, Inc. v. Unemployment
Compensation Bd. of Review 471

Nonacquiescence with Court Decision

Edwards v. Griepentrog [45,811] 551
Stieberger v. Sullivan [39,839] 560

Rulemaking Procedures

Flagstaff Medical Center v. Sullivan
[44,758] 690
Hakanson v. North Dakota Dep't of
Human Servs. 360
House v. Heim [48,282] 656
K. v. Bergen County Bd. of Social Servs.
[48,619] 1386
Melton v. Rowe [48,423] 958
Naranjo-Aguilera v. INS [48,241] 556

St. Amour v. Vermont Dep't of Social Welfare [48,337]	661
---	-----

♦ **Notice**

Diel, <i>In re</i> [47,087]	565
Fulkerson v. Commissioner, Me. Dep't of Human Servs. [48,099]	332
Lockett v. Jett	349
Yesler Terrace Community Council v. Kemp [48,081]	940, 1368

♦ **Proposed Rule Change**

Fulkerson v. Commissioner, Me. Dep't of Human Servs. [48,099]	332
Schisler v. Sullivan [32,771]	1380

Scope of Review

M.A. Bruder & Sons, Inc. v. Unemployment Compensation Bd. of Review	471
---	-----

ADOPTION> **See also ILLEGITIMATE CHILDREN**

Stubbs v. Weathersby	965
--------------------------------	-----

Abandonment

Swinney v. Mosher	689
-----------------------------	-----

Best Interest Standard

L., D., <i>In re</i>	224
L., D., Welfare of, <i>In re</i>	836
R. v. B. [48,069]	325
S., <i>In re</i> [48,616]	1378

Consent Requirements

Brunner, <i>In re</i> [48,378]	808
Carlos, Adoption of, <i>In re</i>	970
H., <i>In re</i> [47,834]	185
Jones, Adoption of, <i>In re</i>	569
L. v. C. [48,481]	931
M., M., <i>In re</i>	461
Maricopa County Juvenile Action, <i>In re</i>	569
O. v. K.	1521
Reeves, Adoption of, <i>In re</i>	836
S., T.I., <i>In re</i>	468
S., Adoption of, <i>In re</i>	222
S. v. K. [48,489]	930
Swinney v. Mosher	689
Vecchi v. Thomas	351

Notice Requirements

O. v. K.	1521
Reeves, Adoption of, <i>In re</i>	836

Placement Procedures

C., Adoption of K.M., <i>In re</i>	1520
L., D., <i>In re</i>	224

Race Considerations

L., D., <i>In re</i>	224
L., D., Welfare of, <i>In re</i>	836
M., Adoption of, <i>In re</i>	846
Oglala Sioux Tribe v. Swenson [48,232]	558
S., <i>In re</i> [48,616]	1378

Termination of Parental Rights

C., Steven, <i>In re</i>	839
Carlos, Adoption of, <i>In re</i>	970
Crews, Adoption of, <i>In re</i> v. Hope Serv.	356
H., <i>In re</i> [47,834]	185
John, <i>In re</i>	460
LaRue v. LaRue	839
M., M., <i>In re</i>	461
Maricopa County Juvenile Action, <i>In re</i>	569
R. v. B. [48,069]	325
S., <i>In re</i>	570
S., Adoption of, <i>In re</i>	222
Swinney v. Mosher	689
Vecchi v. Thomas	351
W., Baby Boy, Adoption of, <i>In re</i>	688

Visitation Rights

Groleau, <i>In re</i>	223
M., M., <i>In re</i>	461
Motes v. Love	461

AID TO FAMILIES WITH DEPENDENT CHILDREN> **See also WELFARE****Absence of Parent**

Morrell v. Flaherty [47,008]	343
--	-----

Adopted Children

Duenas v. Concannon [48,421]	957
--	-----

Aliens

Aziz v. Sullivan [47,558]	1498
-------------------------------------	------

Application Procedures

Alexander v. Flaherty [13,475]	214
Gates v. Miller [47,852]	214
Newsom v. Grunow [11,004]	1511

Assets

Williams v. Raiford [48,532]	1404
--	------

♦ Exemptions

Champion v. Sullivan [48,648]	1510
Howard, <i>In re</i> [48,682]	1516
Lamberton v. Sullivan [48,257]	679
Tolman v. Commissioner, Me. Dep't of Human Servs. [47,829]	217, 345

Available Income

Morrell v. Flaherty [47,008]	343
--	-----

Benefit Levels

A-4703, <i>In re</i> [48,283]	681
Avanzato v. Secretary of HHS [47,193]	213, 1510
Babbitt v. Michigan Dep't of Social Servs. [46,619]	1508
Barnett v. California Dep't of Social Servs. [48,129]	449
Bray v. Bane [48,027]	214, 452, 564, 1511
Green v. Anderson [48,733]	1509
Hadley, <i>In re</i> [47,855]	218
Johnson v. Berson [48,256]	679
Judy v. Schaefer [48,649]	1514
Stowell v. Ives [48,102]	342, 827, 1404

Child Living Outside Home

Edwards v. Healy [48,212]	563
Indiana Dep't of Pub. Welfare v. Hupp [47,080]	217, 1513
Rawston v. Commissioner of Pub. Welfare	700

Child Support

Collazo v. Bane [48,779]	1605
Davis v. McClaran [48,617]	1360
Doucette v. Ives [46,021]	212
Elliott, <i>In re</i> [48,496]	932
Emmons v. Miller [48,587]	1359

Florida Dep't of Health & Rehabilitative

Servs. v. Durah	361
Frazier v. Ives [47,081]	324
Howe v. Ellenbecker [45,531]	548, 806
Mason v. Bradley [48,202]	563
Mushero v. Ives [46,041]	213
Ohio Dep't of Human Servs. v. Sullivan [46,733]	325, 930
Oliphant v. Bradley [46,914]	563
P., <i>In re</i> [48,372]	809
Wayne County Bureau of Support v. Wolfe	850

♦ Cooperation with Enforcement Efforts

Kelly v. Department of Health & Rehabilitative Servs.	577
S. v. North Dakota Dep't of Human Servs. [45,391]	1623
Schirrmacher, <i>In re</i> [48,793]	1624

♦ Pass Through

Albiston v. Commissioner Me. Dep't of Human Servs. [46,688]	1622
Barnes v. Healy [45,717]	1382
Luyando v. Sullivan [42,662]	1383

Computation

Hadley, <i>In re</i> [47,855]	218
---	-----

Cooperation Requirements

Black v. Michigan Dep't of Social Servs. [48,249]	680
Erickson v. Commissioner of Minn. Dep't of Human Servs. [48,703]	1513
Kronquist v. Whitburn [45,344]	956
S. v. North Dakota Dep't of Human Servs. [45,391]	1623

Cutbacks

Babbitt v. Michigan Dep't of Social Servs. [46,619]	1508
Davis v. Griswold [48,579]	1385
MacInness v. Gallant [47,778]	215

Delayed Payments

Darts v. Ibarra [48,098]	342
Debose v. Department of Health & Rehabilitative Servs.	700
Gates v. Miller [47,852]	214

Deprivation of Parental Support

A-4703, <i>In re</i> [48,283]	681
Bautista v. Healey [48,328]	680
Peone v. Adult & Fam. Servs. Div. [48,424]	1384
Richardson v. Perales [48,641]	1383

Due Process

Albiston v. Commissioner, Me. Dep't of Human Servs. [46,688]	1622
Diel, <i>In re</i> [47,087]	565
Norris v. Canino-Siegest [48,126]	451

Duplicate Payments

Debose v. Department of Health & Rehabilitative Servs. [48,341]	829
--	-----

Earned Income Disregards

Smith v. Babcock [44,871]	828
-------------------------------------	-----

Educational Allowance

Bragdon v. Maine Dep't of Human Servs. [47,830]	213
--	-----

Eligibility

Delorme v. North Dakota Dep't of Human Servs. [48,778]	1623
Duenas v. Concannon [48,421]	957

Family Budget Unit

Deno v. Washington Dep't of Social & Health Servs. [48,059]	345
Edwards v. Healy [48,212]	563
MacInnes v. Commissioner of Pub. Welfare [47,778]	699
Rawston v. Commissioner of Pub. Welfare	700

Foster Care

Indiana Dep't of Pub. Welfare v. Hupp [47,080]	957
Kramer v. New Mexico Human Servs. Dep't [46,201]	958

♦ Placement

Roberts v. Perales [47,151]	850
---------------------------------------	-----

Fraud**♦ Repayment of Benefits**

Norris v. Canino-Siegest [48,126]	451
---	-----

Grant Levels

MacInness v. Gallant [47,778]	215
---	-----

Hearings

Taylor v. Miller [48,477]	830
-------------------------------------	-----

Household Sharing

Bray v. Bane [48,027]	214, 452, 564, 1511
Deno v. Washington Dep't of Social & Health Servs. [48,059]	345
Edwards v. Healy [48,212]	1620
James v. Perales [48,343]	829
Orris v. Rubin [46,282]	827, 956
Richardson v. Perales [48,641]	1383

Incapacitated Claimants

Stump v. Miller [47,777]	193
------------------------------------	-----

Income

Ryan v. Sullivan	1404
----------------------------	------

♦ Availability

Bautista v. Healey [48,328]	680
Bray v. Bane [48,027]	214, 452, 564, 1511
Edwards v. Healy [48,212]	1620
Essex County Div. of Welfare v. O.J.	850
Williams v. Raiford [48,532]	955

♦ Deeming

Williams v. Raiford [48,532]	1404
--	------

♦ Disregards

Diel, <i>In re</i> [47,087]	565
---------------------------------------	-----

♦ Earned Income

Smith v. Babcock [44,871]	828
-------------------------------------	-----

Interim Payments

B., <i>In re</i> [48,004]	218
-------------------------------------	-----

Jobs Search

Maynard v. Williams [48,528]	956
--	-----

Joint Budgeting with SSI

Gay v. Sullivan [44,288]	847
------------------------------------	-----

Lack of State Funds

Maynard v. Williams [48,528]	956
--	-----

Lump Sum Payments

Essex County Div. of Welfare v. O.J.	850
--	-----

Scott v. Grunow [48,801]	1623
Wiedmeier v. North Dakota Dep't of Human Servs. [46,878]	215, 1384
Case #059054956007, <i>in re</i> [48,553]	1386
Case #761-009511009, <i>in re</i> [48,554]	1386

Mandatory Cooperation♦ **Location or Identification of Absent Parent**

Black v. Michigan Dep't of Social Servs. [48,249]	680
Erickson v. Commissioner of Minn. Dep't of Human Servs. [48,703]	1513

Negative Action Notices

Kronquist v. Whitburn [45,344]	956
--	-----

Paternity♦ **Cooperation in Establishing**

Black v. Michigan Dep't of Social Servs. [48,249]	680
Erickson v. Commissioner of Minn. Dep't of Human Servs. [48,703]	1513
S. v. North Dakota Dep't of Human Servs. [45,391]	1623
Schirmacher, <i>in re</i> [48,793]	1624

Payment Standards

Edwards v. Healy [48,212]	563
Johnson v. Berson [48,191]	450

Personal Injury Settlement

Essex County Div. of Welfare v. O.J.	850
United States Inv. & Dev. Corp. v. Rhode Island Dep't of Human Servs.	700

Prompt Processing

Alexander v. Flaherty [13,475]	214
Newsom v. Grunow [11,004]	1511

Recoupment

Alabama <i>ex rel.</i> Van Buren County Dep't of Social Servs. v. Dempsey	850
B., <i>in re</i> [48,004]	218
Marturello v. Angus [45,833]	361

♦ **Departmental Error**

Kruse v. Department of Public Aid	976
---	-----

♦ **Overpayments**

Bautista v. Healey [48,328]	680
---------------------------------------	-----

Couch v. Perales	239
Kramarevsky v. Washington Dep't of Social & Health Servs. [46,946]	240
Kruse v. Department of Public Aid	976
Martin v. Illinois Dep't of Pub. Aid [47,993]	217
Peone v. Adult & Fam. Servs. Div. [48,424]	1384

♦ **Tax Refunds**

Mushero v. Ives [46,041]	213
------------------------------------	-----

Reduction

Green v. Anderson [48,733]	1621
Quattlebaum v. Dixon [46,979]	344
Roberts v. Perales [47,151]	850

♦ **Notice**

Clifton v. Schafer [48,287]	678
---------------------------------------	-----

Reimbursements

Doucette v. Ives [46,021]	212
-------------------------------------	-----

Relative Responsibility

MacInnes v. Commissioner of Pub. Welfare [47,778]	699
--	-----

♦ **Child Support**♦ **Reimbursement to Welfare Agency**

Iowa <i>ex rel.</i> Mack v. Mack	239
Sprynczynatyk v. Celley	976

Residency Requirements

Green v. Anderson [48,733]	1509, 1621
--------------------------------------	------------

Resources

Champion v. Sullivan [48,648]	1510
Gamboa v. Rubin [48,422]	828
Mercado v. Commissioner of Income Maintenance [48,173]	564
Tolman v. Commissioner, Me. Dep't of Human Servs. [47,829]	217, 345
Williams v. Raiford [48,532]	955

Retroactive Payments

Debose v. Department of Health & Rehabilitative Servs. [48,341]	829
--	-----

Sanctions

Clifton v. Schafer [48,287]	678
Kronquist v. Whitburn [45,344]	956

Shelter Allowance

Golding v. Kaladjian [48,007]	218
---	-----

Special Needs Grant

Iowa Dep't of Human Servs. v. HHS	699
---	-----

Standard of Need

Johnson v. Berson [48,191]	450
Johnson v. Berson [48,256]	679
Stowell v. Ives [48,102]	827

♦ Alteration

Barnett v. California Dep't of Social Servs. [48,129]	449
California Homeless & Hous. Coalition v. Healy [48,213]	566

Support Obligations**♦ Tax Refund Intercept**

Doucette v. Ives [46,021]	212
-------------------------------------	-----

Termination of Benefits

Healey v. Commissioner of Pub. Welfare [48,569]	1383, 1512
K. v. Bergen County Bd. of Social Servs. [48,619]	1386
Massey v. Bryant-Banks [46,721]	828

♦ Absence of Children

Docket No. 1291 A 291, <i>In re</i> [48,446]	960
Indiana Dep't of Pub. Welfare v. Hupp [47,080]	217, 957, 1513
Kramer v. New Mexico Human Servs. Dep't [46,201]	958
Rawston v. Commissioner of Pub. Welfare	700
Roberts v. Perales [47,151]	850

♦ Failure to Cooperate

Black v. Michigan Dep't of Social Servs. [48,249]	680
--	-----

♦ Lump Sum Payments

Scott v. Grunow [48,801]	1623
Case #059054956007, <i>In re</i> [48,553]	1386
Case #761-009511009, <i>In re</i> [48,554]	1386

♦ Reporting Requirements

Marturello v. Angus [45,833]	361
--	-----

Verification

Alexander v. Flaherty [13,475]	214
--	-----

Work Expenses (Deductions)**♦ Child Care**

Delorme v. North Dakota Dep't of Human Servs. [48,778]	1623
Dubose v. Bradley [48,757]	1621
Healey v. Commissioner of Pub. Welfare [48,569]	1512

Work Incentive Demonstration Projects**♦ Work and Training Program**

Barnett v. Commissioner, Me. Dep't of Human Servs. [48,101]	453
Hinrichs v. Whitburn [45,544]	1404

Work Incentive Program

Dubose v. Bradley [48,757]	1621
Iowa Dep't of Human Servs. v. HHS	699
Maynard v. Williams [48,528]	956

♦ Education

Barnett v. Commissioner, Me. Dep't of Human Servs. [48,101]	343
Bragdon v. Maine Dep't of Human Servs. [47,830]	213
Healey v. Commissioner of Pub. Welfare [48,569]	1383, 1512

♦ Sanctions for Failure to Participate

B., <i>In re</i> [48,382]	832
-------------------------------------	-----

AIDS**> See HEALTH****ALIENS****> See also IMMIGRATION, MIGRANTS****Deportation**

Catholic Social Servs. v. Barr [42,712]	1497
Narayan v. Ilchert	1398

Employment

Etuk v. Slattery [46,144]	1398
-------------------------------------	------

♦ Undocumented Workers

Bonilla, <i>In re</i> [48,718]	1508
--	------

♦ Work Authorization

Docket No. 092888, <i>In re</i> [48,468]	826
--	-----

Food Stamp Program

Velez v. Coler	1525
--------------------------	------

Health Care Services♦ **Undocumented Aliens**

Coye v. HHS	1395
-----------------------	------

Illegal Aliens

Aguilar-Ayala v. Ruiz	1398
---------------------------------	------

Medicaid♦ **Eligibility**

Coye v. HHS	1395
-----------------------	------

Resident Alien's Rights

Espindola v. INS [48,701]	1497
-------------------------------------	------

Welfare Eligibility

Aziz v. Sullivan [47,558]	1498
Minino v. Perales	467
Nungaray, <i>In re</i> [48,329]	676
Ramirez v. Perales [48,211]	566
Woe v. Gallant [48,261]	680

♦ **Refugees**

K. v. Bergen County Bd. of Social Servs. [48,619]	1386
--	------

ATTORNEY FEES**Administrative Activities**

Aronow v. District of Columbia	347
Decker v. Sullivan	1389
Fischer v. Rochester Community Schools	219
Lindner v. Sullivan	1389
Muniz v. Sullivan	349
Wonders v. Sullivan [48,244]	543

Award

Afanador v. Sullivan [48,263]	653
Aronow v. District of Columbia	347
Begley v. Secretary of HHS [43,966]	427
Brad Ragan, Inc. v. Goggins [48,138]	432
Byrd, Estate of, <i>In re</i>	694
Cameron v. Hughes	350
Capiello v. District of Columbia	224
Collins v. Romer	684
DeJesus v. Banco Popular de P.R.	219

Department of Health & Rehabilitative

Servs. v. Coskey	845
----------------------------	-----

Department of Insts., Grand Junction

Regional Center v. Carothers	220
--	-----

Dewalt v. Sullivan	684
------------------------------	-----

Doucette v. Sullivan [46,021]	456
---	-----

Edwards v. HUD	1625
--------------------------	------

Gates v. Deukmejian	1518
-------------------------------	------

GMAC Mortgage Corp. v. Larson	962
---	-----

Ground v. Sullivan	455
------------------------------	-----

Masotti v. Tustin Unified School Dist.	1625
--	------

Montalvo v. Montalvo	223
--------------------------------	-----

Moore v. Crestwood Local Sch. Dist.	1519
---	------

Prince v. Tooele County Hous. Auth.

[43,455]	544
--------------------	-----

Ray v. Sullivan	833
---------------------------	-----

Roberts v. Hollis [46,784]	1353
--------------------------------------	------

Samuels v. American Motors Sales Corp.	961
--	-----

Shepard v. Tri-State D.C.P., Inc. [48,013]	176
--	-----

Soler v. G & U, Inc. [29,114]	1519
---	------

Wonders v. Sullivan [48,244]	543
--	-----

Bad Faith

Garcia v. Sullivan	219
------------------------------	-----

Civil Rights Attorney's Fees**Awards Act**

Cason v. Rochester Hous. Auth. [45,739]	652
---	-----

Prince v. Tooele County Hous. Auth.

[43,455]	544
--------------------	-----

Ruiz v. Coyle [43,863]	1599
----------------------------------	------

Collection

Littlefield v. McGuffey	1518
-----------------------------------	------

Consent Decrees

Clark v. Housing Auth. of Alma [48,313]	961
---	-----

♦ **Enforcement**

Vigue v. Ives [46,928]	1353
----------------------------------	------

Costs Allowed

Broyles v. Director, Office of Workers'	
---	--

Compensation Programs	1388
---------------------------------	------

DeJesus v. Banco Popular de P.R.	219
--	-----

Gray v. Phillips Petroleum Co.	961
--	-----

Lindner v. Sullivan	1389
-------------------------------	------

Little v. Stoops	220
----------------------------	-----

National Ass'n of Radiation Survivors v. Derwinski	239
South Fla. I v. Perez [48,771]	1600

Denial

Broyles v. Director, Office of Workers' Compensation Programs	1388
Christy v. Ibarra	466
DeJesus v. Banco Popular de P.R.	219
Ellibee v. Ellibee	460
Fadia v. Unauthorized Practice of Law Comm.	686
Fischer v. Rochester Community of Schools	219
Gomez-Arauz v. McNary	220
Hingson, <i>in re</i>	347
Martins v. Rhode Island Dep't of Human Servs. [46,723]	318
Wilderson v. Sullivan	219

Determination

Akers v. Secretary of HHS	833
Broyles v. Director, Office of Workers' Compensation Programs	1388
Clark v. Coye [43,105]	1599
Collins v. Romer	684
Decker v. Sullivan	1389
DeJesus v. Banco Popular de P.R.	219
Dewalt v. Sullivan	684
Edwards v. Alabama Farm Bureau Mut. Casualty Ins. Co.	962
Farrar v. Hobby	1388
Gates v. Deukmejian	1518
GMAC Mortgage Corp. v. Larson	962
Harper v. Better Business Servs. [47,336]	684
Harris v. Secretary of HHS	834
Homeward Bound, Inc. v. Hissom Memorial Center [42,759]	684
Huntington Branch, NAACP v. Huntington, N.Y.	684
Misciagno v. Secretary of HHS	456
Rosario v. Livaditis [44,042]	689
Samuels v. American Motors Sales Corp.	961
Shepard v. Tri-State D.C.P., Inc. [48,013]	176
Soler v. G & U, Inc. [29,114]	1519
Wonders v. Sullivan [48,244]	543

Equal Access to Justice Act

Afanador v. Sullivan [48,263]	653
Allbritton v. Secretary of HHS	1389
Bacon v. Secretary of HHS	456
Baker v. Sullivan	347
Begley v. Secretary of HHS [43,966]	427
Boronat v. Sullivan	563
Burr v. Bowen	347
Carter v. Sullivan	348
Cuozzo v. Sullivan	833
Decker v. Sullivan	1389
DeFrancesco v. Sullivan	1518
Dewalt v. Sullivan	684
Doucette v. Sullivan [46,021]	456
Dunn v. Sullivan	961
Edwards v. Griepentrog [45,811]	1525
Engelbrite v. Sullivan [48,301]	652
Garcia v. Sullivan	219
Golbach v. Sullivan	220
Gomez-Arauz v. McNary	220
Hafner v. Sullivan [46,908]	799
Harris v. Sullivan	833
Heredia v. Secretary of HHS	348
Huey v. Sullivan	1389
Jones v. Madigan [44,523]	800
Jones v. Principi [48,412]	1352
Karnas v. Derwinski [48,412]	799
Kling v. Secretary of HHS	685
Krikorian v. Rhode Island Dep't of Human Servs.	568
Labrie v. Secretary of HHS [46,031]	317, 1388
Landon v. Sullivan [47,923]	176
Lenz v. Secretary of HHS	1389
Lindner v. Sullivan	1389
Lopez v. Sullivan	349
Lidy v. Sullivan [48,033]	175
Mendez v. Sullivan	834
Meyer v. Sullivan	455
Misciagno v. Secretary of HHS	456
Paris v. HUD [42,539]	1390
Payne v. Sullivan [47,153]	1352
Petrie v. Sullivan	1518
Ray v. Sullivan	833
Richard v. Sullivan	347
Richmond Tenants Org. v. Kemp [45,826]	543

Rivera Sanchez v. Secretary of HHS	456	Harris v. Secretary of HHS	834
Rodriguez v. Secretary of HHS	962	Marcus v. Sullivan [38,704]	427
Rollins v. Sullivan	348	Meyer v. Sullivan	455
Ruiz v. Coyle [43,863]	1599	Moore v. Crestwood Local Sch. Dist.	1519
Salvador v. Sullivan	455	Payne v. Sullivan [47,153]	1352
Sansano v. Sullivan	568	Samuels v. American Motors Sales Corp.	961
Scanlon v. Sullivan	1389	South Fla. l v. Perez [48,771]	1600
Sparling v. Sullivan	456	Sullivan v. Sullivan	455
Spurlock v. Sullivan	347	Thompson v. Secretary of HHS	685
Sullivan v. Sullivan	455	United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,859]	317
Sykes v. Sullivan	220	We Who Care v. Sullivan [46,026]	175
Thompson v. Secretary of HHS	685		
Thomas v. Sullivan	456	Legal Services	
We Who Care v. Sullivan [46,026]	175	Krikorian v. Rhode Island Dep't of Human Servs.	568
Winn v. Sullivan	456	Levenson v. Oliver	231
Woods v. HHS	219	Martins v. Rhode Island Dep't of Human Servs. [46,723]	318
Young v. Sullivan	1389	Shepard v. Tri-State D.C.P., Inc. [48,013]	176
Zatterstrom v. Sullivan	961		
♦ Substantially Justified Position		Prevailing Party	
Aguilar-Ayala v. Ruiz	1398	Afanador v. Sullivan [48,263]	653
Deloney v. Madigan [48,216]	1482	Aronow v. District of Columbia	347
Edwards v. HUD	1625	Bertrand v. Sullivan	1388
Gutierrez v. Sullivan	236	Dunn v. Sullivan	961
Magray v. Sullivan	1625	Farrar v. Hobby	1388
Marcus v. Sullivan [38,704]	427	Fenneman v. Town of Gorham	1518
Martins v. Rhode Island Dep't of Human Servs. [46,723]	318	Hacienda La Puente Unified Sch. Dist. of Los Angeles v. Honig	1393
National Law Ctr. on Homelessness & Poverty v. United States Dep't of Veterans Affairs	1388	House v. Hillhaven, Inc.	348
Reyes v. Secretary of HHS	1625	Huey v. Sullivan	1389
Stein v. Sullivan	846	Kling v. Secretary of HHS	685
Thompson v. Sullivan [48,651]	1352	L., Mr. & Mrs. V. Woonsocket Educ. Dep't	834
United States v. Leasehold Interest in Property [45,858]	685	Lidy v. Sullivan [48,033]	175
United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,859]	317	Magray v. Sullivan	1625
Wonders v. Sullivan [48,244]	543	Mendez v. Sullivan	834
		Paris v. HUD [42,539]	1390
Hourly Rates		Spurlock v. Sullivan	347
Begley v. Secretary of HHS [43,966]	427	United States v. Leasehold Interest in Property [45,858]	685
Cazares v. Barber	455	Van Tassel v. Sullivan	684
DeFrancesco v. Sullivan	1518	Wilderson v. Sullivan	219
Gates v. Deukmejian	1518	Woods v. HHS	219
Hall v. Lacheta [46,203]	1482		

Section 1988 Suits

Cason v. Rochester Hous. Auth. [45,739] . . .	652
Jones v. Madigan [44,523]	800
Prince v. Tooele County Hous. Auth. [43,455]	544

Settlements

Carpenter-Taylor v. Kemp [47,723]	1493
Duncan v. Gallant [48,358]	960
House v. Hillhaven, Inc.	348
We Who Care v. Sullivan [46,026]	175

Time Spent on Fee Application

Moore v. Crestwood Local Sch. Dist.	1519
Shepard v. Tri-State D.C.P., Inc. [48,013] . . .	176
Vigue v. Ives [46,928]	1353

Timeliness of Motion

Allbritton v. Secretary of HHS	1389
Baker v. Sullivan	347
Bertrand v. Sullivan	1388
Boronat v. Sullivan	563
Burr v. Bowen	347
Carter v. Sullivan	348
Clark v. Housing Auth. of Aima [48,313] . . .	961
Cuozzo v. Sullivan	833
DeFrancesco v. Sullivan	1518
Engelbrite v. Sullivan [48,301]	652
Gutierrez v. Sullivan	236
Heredia v. Secretary of HHS	348
Kling v. Secretary of HHS	685
Labrie v. Secretary of HHS [46,031]	317, 1388
Landon v. Sullivan [47,923]	176
Lenz v. Secretary of HHS	1389
Lidy v. Sullivan [48,033]	175
Mendez v. Sullivan	834
Petrie v. Sullivan	1518
Richard v. Sullivan	347
Rodriguez v. Secretary of HHS	962
Rollins v. Sullivan	348
Sansano v. Sullivan	568
Santiago v. Sullivan	348
Scanlon v. Sullivan	1389
Winn v. Sullivan	456
Woods v. HHS	219
Young v. Sullivan	1389

Zatterstrom v. Sullivan	961
-----------------------------------	-----

ATTORNEYS**> See also ATTORNEY FEES, LEGAL SERVICES**

Fadia v. Unauthorized Practice of Law Comm.	686
Willy v. Coastal Corp.	219

Attorney-Client Privilege

Henthorn v. Swinson	356
-------------------------------	-----

Disqualification

Bell v. Whitburn [47,208]	178
-------------------------------------	-----

Duty to Client

Oliva v. Sullivan	455
-----------------------------	-----

Effective Assistance of Counsel

Rodriguez v. Rodriguez	220
----------------------------------	-----

Interest on Lawyers' Trust Accounts

Washington Legal Found. v. Massachusetts Bar Found.	962
--	-----

AUTOMOBILES**> See also CONSUMER, DRIVER'S LICENSE, INSURANCE, REPOSSESSION****Dealers**

Pirozzi v. Penske Olds-Cadillac- GMAC, Inc.	458
--	-----

Deceptive Trade Practices

Brad Ragan, Inc. v. Goggins [48,138]	432
Bennett v. D.L. Claborn Buick, Inc.	350
Pirozzi v. Penske Olds-Cadillac- GMAC, Inc.	458

Financing

Bennett v. D.L. Claborn Buick, Inc.	350
---	-----

Insurance**♦ Deceptive Practices**

Brad Ragan, Inc. v. Goggins [48,138]	432
--	-----

Repairs**♦ Breach of Contract**

Emmet v. Rickert	220
----------------------------	-----

Repossession

Larranaga v. Mile High Collection & Recovery Bureau [48,775]	182
Stigall v. Heritage Fin. Servs. [48,758]	1605

Sales

Adkinson v. Harpeth Ford-Mercury, Inc. [47,926]	1357
---	------

Warranties

Ismael v. Goodman Toyota	686
Patton v. McHone	222

BANKRUPTCY

Payne v. Bomar Credit Corp. [46,786]	318
--	-----

Adversarial Proceedings

Suburban Furniture Galleries, <i>In re</i> [48,181]	429
Tate v. Northeast Career Schools [48,238]	544

Automatic Stay

Brown v. Philadelphia Hous. Auth. (<i>In re</i> Brown) [48,791]	1614
Carver v. Carver	349
Diggs, <i>In re</i> [48,114]	428
Dreeblan Paint Co., <i>In re</i> [47,821]	176
Edwards, <i>In re</i> [47,120]	428
FmHa v. Nelson	962
Merchant, <i>In re</i>	456

Chapter 7

Curry v. Metropolitan Dade County [48,752]	1493
Daulton v. Caldwell	834
FmHA v. Nelson	962
Home Owners Funding Corp. of Am. v. Belanger	685
Lybrook, <i>In re</i>	221
Lyons, <i>In re</i>	349
Merchant, <i>In re</i>	456
Yonikus, <i>In re</i>	1390

Chapter 11

Barnhill v. Johnson	348
First Jersey Nat'l Bank v. Brown	221
Suburban Furniture Galleries, <i>In re</i> [48,181]	429

Chapter 13

Diggs, <i>In re</i> [48,114]	428
--	-----

Edwards, <i>In re</i> [47,120]	428
Lybrook, <i>In re</i>	221
Smith v. Keycorp Mortgage, Inc. [48,609]	1354

♦ **Confirmation**

Jackson, <i>In re</i> [47,573]	177
Nobelman v. American Sav. Bank [48,792]	1600
Ross v. Metropolitan Dade County [48,192]	428

♦ **Mortgage Foreclosure**

Jackson, <i>In re</i> [47,573]	177
Rossi v. Gordon (<i>In re</i> Gordon) [48,603]	1354
Washington, <i>In re</i>	834

Contempt

Carver v. Carver	349
----------------------------	-----

Discharge

Yonikus, <i>In re</i>	1390
---------------------------------	------

♦ **Attorney Fees**

DiGiacomo v. DiGiacomo	688
Hingson, <i>In re</i>	347

♦ **Equitable Estoppel**

Barnes, <i>In re</i>	962
--------------------------------	-----

♦ **False Statements**

Barnes, <i>In re</i>	962
--------------------------------	-----

♦ **Objections**

Barnes, <i>In re</i>	962
--------------------------------	-----

♦ **Timely**

Anwiler, <i>In re</i>	457
---------------------------------	-----

♦ **Student Loans**

United States v. McGrath [48,333]	683
Wilkerson v. Alliance Corp. (<i>In re</i> Wilkerson) [48,354]	800

♦ **Undue Hardship**

Bosch v. Higher Educ. Assistance Found. [48,356]	801
--	-----

♦ **Support Obligations**

DiGiacomo v. DiGiacomo	688
Kessler v. Kessler [47,831]	177
Peters v. Hennenhoefler	685

Executory Contracts

Tate v. Northeast Career Schools [48,238]	544
---	-----

Exemptions

Bomar Credit Corp. v. Payne [46,786]	655
Goldsberry, <i>In re</i> [48,262]	653
Lyons, <i>In re</i>	349
Patterson v. Shumate	568
Taylor v. Freeland & Kronz	349

♦ **Homestead**

Hill v. Zielinski	1390
-----------------------------	------

♦ **Voluntary Transfers**

Barnhill v. Johnson	348
-------------------------------	-----

Filing Fees

Perroton, <i>In re</i>	457
----------------------------------	-----

In Forma Pauperis

Perroton, <i>In re</i>	457
----------------------------------	-----

Post-Petition

Clark, <i>In re</i>	569
-------------------------------	-----

♦ **Collection Practices**

Smith v. Keycorp Mortgage, Inc. [48,609] . . .	1354
--	------

Secured Creditors

Nobelman v. American Sav. Bank [48,792] . .	1600
---	------

Trust Property

United States v. Nordic Village, Inc.	220
---	-----

BLACK LUNG BENEFITS**Judicial Review**

Freeman United Coal Mining Co. v. Cooper	842
Freeman United Coal Mining Co. v. Anderson	1395
Peabody Coal Co. v. Director, Office of Workers' Compensation Programs	1395
Shuff v. Cedar Coal Co.	842
Taylor v. DOL	842

Standard of Review

Freeman United Coal Mining Co. v. Anderson	1395
---	------

CIVIL PROCEDURE> **See also ADMINISTRATIVE LAW,
DUE PROCESS****Abstention**

Carver v. Carver	349
Dreeblan Paint Co., <i>In re</i> [47,821]	176
United States v. Board of Educ. of Township of Piscataway	1524

Appeals♦ **Extension of Filing Time**

H., T., <i>In re</i>	467
--------------------------------	-----

♦ **Interlocutory Orders**

Ferraro v. Secretary of HHS	221
Gosnell v. City of Troy, Ill.	1626
Tipton v. Secretary of Educ. [45,765]	544

♦ **Motions**

Tipton v. Secretary of Educ. [45,765]	544
---	-----

♦ **Notice**

Hammon v. Kelly [43,517]	1626
Rivera v. Board of Review, N.J. Dep't of Labor [48,196]	447

♦ **Scope of Review**

District School Bd. of Putnam County v. Roderick	349
Mullins v. North Dakota Dep't of Human Servs.	574

Bonds

Brown v. Fay Apartments	686
-----------------------------------	-----

Cause of Action♦ **Federal Statutory Rights**

Cabinet for Human Resources, Ky. v. Northern Ky. Welfare Rights Ass'n [46,422]	361
---	-----

♦ **Section 1983**

Stowell v. Ives [48,102]	1404
Whitt v. Philadelphia Hous. Auth. [48,288] . .	669

Collateral Estoppel

First Jersey Nat'l Bank v. Brown	221
--	-----

Complaints♦ **Claim for Relief**

Kerrigan v. Magnum Entertainment, Inc. [48,563]	1361
---	------

♦ **Failure to State Claim**

Brownlee v. Conline	357
Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,062]	188
Kerrigan v. Magnum Entertainment, Inc. [48,563]	1361
People Helpers Found., Inc. v. City of Richmond	229

Concurrent Jurisdiction

Alber v. Illinois Dep't of Mental Health & Developmental Disabilities	459
---	-----

Consent Decrees

Consumer Advisory Bd. v. Glover, [47,158]	926
Rhorne v. Sullivan	685

♦ **Modification**

Hook v. Arizona Dep't of Corrections	1400
--	------

Contempt

G., P. v. W.M.T.	223
--------------------------	-----

♦ **Civil**

Basel v. Bielaczyc [20,193]	1601
Feeling v. Barry [36,026]	451
First Midwest Bank v. Blakeney [48,627]	1355
Lepak v. McClain [48,804]	1602
McBride v. Coleman	357
Johnson v. Johnson	838
Ortiz v. Laws [47,827]	179
Tinsley v. Kemp [44,154]	1601

♦ **Criminal**

Montalvo v. Montalvo	223
Ortiz v. Laws [47,827]	179

Court Costs♦ **Waiver**♦ **Bonds**

Brown v. Fay Apartments	686
-----------------------------------	-----

Declaratory Judgment

Grassi v. Director, Mich. Dep't of Social Servs. [46,806]	1602
---	------

Default Judgment

Heller v. Travel America, Inc.	685
--	-----

Defenses♦ **Affirmative**

Higher Educ. Assistance Found. v. Cromartie [48,542]	933
--	-----

Discovery♦ **Availability**

Heller v. Travel America, Inc.	685
--	-----

♦ **Depositions**♦ **Compelling Attendance of Witness**

Phillips v. Amana Collections Servs. [48,513]	927
---	-----

♦ **Interrogatories**

Housing Auth. of El Paso, Tex. v. Rodriguez-Yepez [48,028]	179
--	-----

♦ **Mental Examination**

Roe v. Sugar River Mills Assocs. [48,483]	939
---	-----

♦ **Production of Documents**♦ **Objections**

Heller v. Travel America, Inc.	685
--	-----

♦ **Scope**

Housing Auth. of El Paso, Tex. v. Rodriguez-Yepez [48,028]	179
--	-----

Discretion of Court

Department of Insts., Grand Junction Regional Center v. Carothers	220
Kirk v. Monroe County Tire [47,337]	178
Little v. Stoops	220
Willy v. Coastal Corp.	219

♦ **Sua Sponte**

Oliva v. Sullivan	455
Skillman v. Browne	467

Dismissal of Action

Oliva v. Sullivan	455
-----------------------------	-----

♦ **Grounds**

Bennett v. Jett	840
---------------------------	-----

♦ **Improper Venue**

Bates v. C & S Adjusters, Inc. [48,686]	1483
---	------

♦ **Without Prejudice**

Bell v. Whitburn [47,208] 178

EstoppelStevens v. Department of Social Welfare
[48,788] 1611**Execution of Judgment**♦ **Sheriff's Sale**

Hutchinson v. Cox [47,863] 178

Exhaustion of RemediesAnderson v. Sullivan [48,664] 1380
Casteel v. Vaade 457
Gardner v. School Bd. of Caddo Parish 458
Johnson v. Sullivan [47,782] 950
McCarthy v. Madigan 233
Schoolcraft v. Sullivan [45,479] 654
Small v. Sullivan [46,451] 950**Federal Courts**♦ **Jurisdiction**Dominion Bank of Middle Tenn. v. Bowling
Green Junior College [46,062] 188♦ **Pendent Jurisdiction**Dominion Bank of Middle Tenn. v. Bowling
Green Junior College [46,062] 188**Habeas Corpus**♦ **Procedure**

Narayan v. Ilchert 1398

ImmunityBlake v. Young [48,044] 345
Scott v. O'Grady [46,421] 1391♦ **Qualified**Buehl v. Lehman 1532
Cronen v. Texas Dep't of Human Servs. 1524
Gooden v. Howard County 349
Rodriguez v. Coughlin 1401♦ **Sovereign**Cronen v. Texas Dep't of Human Servs. 1524
Department of Energy v. Ohio 352
McBride v. Coleman 357
United States v. Nordic Village, Inc. 220**Injunctions**City of Ponca City v. Housing Auth. 1530
Mains Farm Homeowners Ass'n v.
Worthington 229
O'Donnell Constr. Co. v. District of
Columbia 689♦ **Preliminary Injunction**Burke v. Nordberg [48,707] 1507
San Francisco Coalition on
Homelessness v. City & County of
San Francisco [46,876] 335♦ **Evidence**Oxford House, Inc. v. Township of
Cherry Hill 1397**Interlocutory**

Warren v. Palmer [48,338] 936

Joinder♦ **Indispensable**

Christine v. Mary Ellen [48,696] 1499

JudgmentsTeemogonwuno v. Todd, Bremer &
Lawson, Inc. [45,946] 320♦ **Claims Preclusion**

Johnson v. Anderson 686

♦ **Class Action**

Clarkson v. Coughlin 357

♦ **Enforcement**Basel v. Bielaczyc [20,193] 1601
Lepak v. McClain [48,804] 1602♦ **Discovery**

Kirk v. Monroe County Tire [47,337] 178

♦ **Execution**

Hutchinson v. Cox [47,863] 178

♦ **Finality**

Greer v. Rome City Sch. Dist. 351

♦ **Remedies**Freeman v. Pitts 351
Miller v. Spicer 349**Jurisdiction**

Disabled Am. Veterans v. VA [47,909] 699

Hicks v. VA	699
Keams v. Tempe Technical Inst. [46,793] . . .	549
Lopez v. Sullivan	349
Strott v. Derwinski	699
Winchell v. USDA	696
♦ Appellate Courts	
District School Bd. of Putnam County v. Roderick	349
♦ Case and Controversy	
Banks v. Indiana Family & Social Servs. Admin.	690
♦ Defects in Jurisdiction	
♦ Subject Matter	
Chambers v. Sanderson	230
Moyers, <i>In re</i>	574
United States v. Plainbull	574
♦ Federal Question	
Abbey v. Sullivan	1525
Delgado v. New York City Dep't of Correction	1401
Tallman v. Milton	462
Whitt v. Philadelphia Hous. Auth. [48,288] . . .	669
♦ Administrative Question	
Abbey v. Sullivan	572
♦ Immunity	
United States v. Nordic Village, Inc.	220
♦ Long Arm Statute	
Griffin v. Collection Serv. Bureau [48,803] . . .	1601
♦ Objections	
Illinois <i>ex rel.</i> LeGout v. Decker	351
♦ Pendent	
Ketchum v. Christensen [48,144]	430
♦ Personal	
Aviles v. Kunkle	1529
♦ Service	
♦ Outside State	
Griffin v. Collection Serv. Bureau [48,803] . . .	1601
♦ Removal of Actions	
Addison v. Sedco Forex, U.S.A.	1524
♦ Federal Jurisdiction	
Vang v. Healy [48,562]	1355

♦ **Service of Process**♦ **Insufficiency**

Cowling, <i>In re</i>	834
---------------------------------	-----

♦ **Summons**♦ **Service**

Laska v. House	686
--------------------------	-----

♦ **Subject Matter**

Metropolitan Dade County v. Florence [48,632]	1373
--	------

♦ **Venue**

Bates v. C & S Adjusters, Inc. [48,686]	1483
Griffin v. Collection Serv. Bureau [48,803] . . .	1601

Jury Trial♦ **Waiver**

Bischof v. Kern	834
---------------------------	-----

Laches

Murphy v. Timberlane Regional Sch. Dist. . . .	1393
New York City Hous. Auth. v. Green [48,503]	943

Mandamus

House v. Heim [48,282]	656
Wilderson v. Sullivan	219

Masters

Rhome v. Sullivan	685
-----------------------------	-----

Mootness

Avanzato v. Secretary of HHS [47,193]	1510
Grassi v. Director, Mich. Dep't of Social Servs. [46,806]	1602

♦ **Live Controversy**

Clarkson v. Coughlin	357
Godwin v. Florida	356

Multiple Parties♦ **Intervention**

Linton v. Commissioner of Health & Env't [42,967]	1395
--	------

New Trial♦ **Grounds**

Housing Auth. of El Paso, Tex. v. Rodriguez-Yepez [48,028]	179
---	-----

Notices

Booth v. Employment Sec. Comm'n	237
---	-----

Parties♦ **Impleader**

Phillips v. Amana Collection Servs. [48,513] . .	927
--	-----

♦ **Intervention**

Clarkson v. Coughlin	357
--------------------------------	-----

♦ **Proper Parties**

Stone v. Illinois Dep't of Employment Sec. Bd. of Review	1535
---	------

Physical or Mental Examinations♦ **Persons Subject to**

AT&T Information Sys. v. Wallemann	572
--	-----

Pleadings

Navarro-Ayala v. Nunez	963
----------------------------------	-----

Willy v. Coastal Corp.	219
--------------------------------	-----

♦ **Specificity**

New York City Hous. Auth. v. Green [48,503]	943
--	-----

Private Right of Action

Clifton v. Schafer [48,287]	678
---------------------------------------	-----

Keams v. Tempe Technical Inst. [46,793] . . .	549
---	-----

King v. Bradley [47,992]	657
------------------------------------	-----

Smith v. Washington Heights Apartments, Ltd. [46,482]	969
--	-----

Stowell v. Ives [48,102]	827
------------------------------------	-----

Suter v. M. [48,036]	201
--------------------------------	-----

**Racketeer Influenced and Corrupt
Organizations Act**

Rosario v. Livaditis [44,042]	689
---	-----

Res Judicata

B., L.C., the Mental Health of, <i>In re</i>	694
--	-----

County of Dakota v. Hendrickson	462
---	-----

Johnson v. Anderson	686
-------------------------------	-----

Ripeness

Hinrichs v. Whitburn [45,544]	1404
---	------

Mullins v. North Dakota Dep't of Human Servs.	574
--	-----

Small Claims Court

Johnson v. Anderson	686
-------------------------------	-----

Standing to Sue

Dawson v. Ohio Dep't of Human Servs.	354
--	-----

Harvard Law School Coalition for Civil Rights v. President & Fellows of Harvard College	840
---	-----

Heldman v. Sobol	687
----------------------------	-----

K. v. K. [48,698]	1498
-----------------------------	------

Kansas Health Care Ass'n v. Kansas Dep't of Social & Rehabilitation Servs. . .	465
---	-----

King v. Bradley [47,992]	1487
------------------------------------	------

Linton v. Commissioner of Health & Env't [42,967]	1395
--	------

Mason v. Bradley [48,202]	563
-------------------------------------	-----

Payne v. Bomar Credit Corp. [46,786]	318
--	-----

Rubenstein v. Benedictine Hosp. [48,188] . .	445
--	-----

Sullivan v. Syracuse Hous. Auth.	685
--	-----

Tallman v. Milton	462
-----------------------------	-----

Statute of Limitations

Gertel v. School Comm. of Brookline School Dist.	352
---	-----

Peters v. Collection Technology [46,769] . . .	183
--	-----

♦ **Computation of Time**♦ **Absence**

Rivera v. Board of Review, N.J. Dep't of Labor [48,196]	447
--	-----

♦ **Section 1983**

Alber v. Illinois Dep't of Mental Health & Developmental Disabilities	459
--	-----

Gartrell v. Gaylor	1630
------------------------------	------

♦ **Tolling**

Gartrell v. Gaylor	1630
------------------------------	------

Johnson v. Sullivan [47,782]	950
--	-----

Scott v. United States	1390
----------------------------------	------

Summary Judgments

Rivera v. Saffold [48,712]	1803
--------------------------------------	------

♦ **Discovery**

Mattoon v. City of Pittsfield	1628
---	------

Temporary Restraining Order

Washington v. Board of Supervisors of San Diego County [47,789]	216
--	-----

Washington v. Board of Supervisors [47,789]	829
--	-----

Transcripts

Militello v. Board of Educ. of Union City	1519
---	------

Venue and Transfer

Shapiro & Meinhold v. Zartman [46,773]	184
--	-----

♦ **Challenging**

Jarrell v. Town of Topsall Beach	221
--	-----

♦ **Where Claim Arose**

Jarrell v. Town of Topsall Beach	221
--	-----

♦ **Federal Question Cases**

Bates v. C & S Adjusters, Inc. [48,686]	1483
---	------

♦ **Subject Matter**

Illinois ex rel. LeGout v. Decker	351
---	-----

CIVIL RIGHTS➤ **See also DUE PROCESS, EQUAL PROTECTION, PRIVACY**

Decker v. Wood [48,769]	1617
-----------------------------------	------

Damages

Franklin v. Gwinnett County Pub. Schs.	224
--	-----

Due Process

Ms. B. v. Montgomery County Emergency Servs., Inc.	1399
Berrier v. Allen	233
Booth v. Employment Sec. Comm'n	237
Handley v. City of Seagoville	1526
Hanson v. HUD [48,473]	815
J. v. Little Rock Sch. Dist.	963
Kreimer v. Bureau of Police for Town of Morristown [46,984]	457
Levin v. Harleston	835
Luckett v. Jett	349, 835
National Ass'n of Radiation Survivors v. Derwinski	239
Pottinger v. Miami, Fla. [48,663]	1370
Rose v. Kettle Moraine Correctional Inst. Officials	235

Equal Protection

Associated Gen. Contractors of Conn v. New Haven	835
---	-----

Austin v. Berryman [42,895]	360
Brill v. Hedges	355
Charlet v. Legislature of La. [48,006]	189
Dowell v. Board of Educ. of Oklahoma City Pub. Schools	225
Freeman v. Pitts	351
Gooden v. Howard County	349
Harrison v. Burrowes Bridge Constructors	1626
Jacobs v. Barr [48,041]	319
Kreimer v. Bureau of Police for Town of Morristown [46,984]	457
L., D., <i>In re</i>	224
Levin v. Harleston	835
Lipscomp v. Simmons	693
Luckett v. Jett	835
M., J., <i>In re</i>	221
Novak v. Revere Local Sch. Dist.	225
Pottinger v. Miami, Fla. [48,663]	1370
Williams v. School Dist. of Bethlehem, Pa.	1391

First Amendment

Apartment Ass'n of Greater Los Angeles v. Lungren [48,416]	804
National Ass'n of Radiation Survivors v. Derwinski	239, 360
Partee v. Metropolitan Sch. Dist. of Washington Township	352
Steirer v. Bethlehem Area Sch. Dist.	689
U.D. Registry v. California [48,414]	804
Washington Legal Clinic for the Homeless v. Kelly [48,411]	815

Freedom of Association

Farrell v. Peters	234
Miller v. St. Michaels Hous. Auth. [47,069]	1493

Freedom of Religion

American Friends Serv. Comm. v. Thornburgh	221
Felter v. Cape Girardeau Pub. Sch. Dist. [48,233]	549
Sullivan v. Syracuse Hous. Auth.	685
Thacker v. Dixon	357
Zobrest v. Catalina Foothills Sch. Dist.	687

Freedom of Speech

Apartment Ass'n of Greater Los Angeles v. Lungren [48,416]	804
---	-----

Farrell v. Peters	234
Hunt v. Chicago Hous. Auth. [47,919]	190
Kreimer v. Bureau of Police for Town of Morristown [46,984]	457
Levin v. Harleston	835
U.D. Registry v. California [48,414]	804
Immunity	
Gooden v. Howard County	349
Scott v. O'Grady [46,421]	1391
Minority Representation	
Harrison v. Burrowes Bridge Constructors	1626
Search and Seizure	
American Fed'n of Gov't Employees v. Barr	963
Community for Creative Non-Violence v. Unknown Agents of United States Marshals Serv. [47,798]	180, 1391
Gooden v. Howard County	349
Hanson v. HUD [48,473]	815
Hartness v. Bush	963
M., J., <i>In re</i>	221
Pottinger v. Miami, Fla. [48,633]	1370
Soldal v. Cook County, Illinois	1390
Section 1981	
Howard v. Sharp [47,865]	180
♦ Discrimination	
Partee v. Metropolitan Sch. Dist. of Washington Township	352
Valdez v. San Antonio Chamber of Commerce	1393
Section 1983	
Boren v. Deland	469
Casteel v. Vaade	457
Gartrell v. Gaylor	1630
Community for Creative Non-Violence v. Unknown Agents of United States Marshals Serv. [47,798]	180
Handley v. City Seagoville	1526
Marshall v. Switzer [48,744]	1486
Sinhasomphone, Estate of v. City of Milwaukee	457
Wallace v. Mulholland	350

Section 1985

Howard v. Sharp [47,865]	180
------------------------------------	-----

State Action

Rubenstein v. Benedictine Hosp. [48,188]	445
Rubenstein v. Benedictine Hosp.	693

Title VI

Howard v. Sharp [47,865]	180
------------------------------------	-----

CLASS ACTION> *See also* **CIVIL PROCEDURE****Actions Maintainable**

Kendrick v. Sullivan	359
--------------------------------	-----

Adequacy of Representation

Azevedo v. Housing Auth. of City of Sarasota	1527
---	------

Certification

Rubenstein v. Benedictine Hosp.	693
---	-----

Federal Rule 23♦ **Typicality**

S. v. Governor of Mass. [46,924]	318
--	-----

Notices

Doe v. Perales [46,454]	353
Hammon v. Kelly [43,517]	1626

Settlements

Doe v. Perales [46,454]	353
-----------------------------------	-----

COMMUNITY DEVELOPMENT**Housing**

Community United for the Betterment of E. Palo Alto v. City Council of E. Palo Alto [48,515]	932
--	-----

CONFLICT OF LAWS**Corporations**

Greenwood Trust Co. v. Massachusetts [47,943]	1356
--	------

CONSUMER

> **See also AUTOMOBILES, CONTRACTS,
GARNISHMENT, LIENS, REPOSSESSION,
TRUTH IN LENDING**

Collection Practices

Bloom v. I.C. Sys., Inc.	1391
First Midwest Bank v. Blakeney [48,627]	1355
Ketchum v. Christensen [48,144]	430

♦ **Emotional Distress**

Ekl v. Knecht	222
-------------------------	-----

♦ **Fair Debt Collection Practices Act**

Bates v. C & S Adjusters, Inc. [48,686]	1483
Bomar Credit Corp. v. Payne [46,786]	655
Donahue v. NFS, Inc.	222
Green v. Hocking	835
Griffin v. Collection Serv. Bureau [48,803] . . .	1601
Harper v. Better Business Servs. [47,336] . . .	684
Kolker v. Sanchez [46,774]	182
Larranaga v. Mile High Collection & Recovery Bureau [46,775]	182
Lauderback v. Master Collectors [46,768] . . .	183
Mattson v. U.S. West Communications	835
Payne v. Bomar Credit Corp. [46,786]	318
Phillips v. Amana Collection Servs. [48,513]	927
Roberts v. Hollis [46,784]	320, 1353
Scott v. Jones [45,932]	546
Shapiro & Meinhold v. Zartman [46,773]	184
Stebbins v. Allied Account Servs. [46,761] . . .	1603
Stojanovski v. Strobl & Moanoogian, P.C. . . .	350
Wright v. Finance Serv. of Norwalk [47, 859] . .	181

♦ **Abusive Notices**

Jones v. Ginn, Haase, & Kleinman [48,160] . .	431
Bazzy v. Hollins [48,798]	1605
Peters v. Collection Technology [46,769]	183
Rabideau v. Management Adjustment Bureau	1626
Rosa v. Gaynor [44,830]	350

♦ **Communication**

Diamond v. Corcoran [48,404]	803
Frey v. Gangwish	964
Grammatico v. Sterling, Inc. [47,978]	182

♦ **Deceptive Notices**

Clomon v. Jackson [47,947]	1602
Cortright v. Thompson [48,079]	321
Diamond v. Corcoran [48,404]	803
Jones v. Ginn, Haase, & Kleinman [48,160] . .	431
Ketchum v. Christensen [48,144]	430
Latella v. Atlantic Advisors [47,946]	1603
Rabideau v. Management Adjustment Bureau [48,352]	803
Supan v. Medical Bureau of Economics, Inc.	457
Sutton v. Law Offices of Alexander L. Lawrence [48,227]	546
Villanueva v. Creditors Serv. Bureau of El Paso [47,949]	1603

♦ **Error Defenses**

McDaniel v. Computer Checking Account Verification Sys. [47,743]	431
Stebbins v. Allied Account Servs. [46,761] . .	1603
Sutton v. Law Offices of Alexander L. Lawrence [48,227]	546
Teemogonwuno v. Todd, Bremer & Lawson, Inc. [45,946]	320

♦ **Notice Requirements**

Carroll v. Wolpoff & Abramson [47,154]	320
Covey v. Varano [47,791]	545
Diamond v. Corcoran [48,404]	803
Frey v. Gangwish	964
Grammatico v. Sterling, Inc. [47,976]	182
Jones v. Ginn, Haase, & Kleinman [48,160] . .	431
Peters v. Collection Technology [46,769] . . .	183
Siler v. Management Adjustment Bureau [47,860]	183
Sutton v. Law Offices of Alexander L. Lawrence [48,227]	546
Villanueva v. Creditors Serv. Bureau of El Paso [47,949]	1603
Wolpoff & Abramson v. Carroll [47,154]	802

♦ **Student Loans**

Hernandez v. Secretary of Educ. [46,792] . . .	549
Peters v. Collection Technology [46,769] . . .	183

♦ **Validity of Debt**

Cortright v. Thompson [48,079]	321
Covey v. Varano [47,791]	545

♦ **False and Misleading Statements**

Bazzy v. Hollins [48,798]	1605
McDaniel v. Computer Checking Account Verification Sys. [47,743]	431
Sutton v. Law Offices of Alexander L. Lawrence [48,227]	546

♦ **Threat of Legal Action**

Rosa v. Gaynor [44,830]	350
-----------------------------------	-----

♦ **Harassment**

Ekl v. Knecht	222
-------------------------	-----

♦ **Sheriff as Collection Agency**

Hutchinson v. Cox [47,863]	178
--------------------------------------	-----

♦ **Statute of Limitations**

Mattson v. U.S. West Communications	835
---	-----

♦ **Statutory Damages**

Diamond v. Corcoran [48,404]	803
Roberts v. Hollis [46,784]	1353

♦ **Unauthorized Practice of Law**

Kolker v. Sanchez [46,774]	182
--------------------------------------	-----

♦ **Unfair Practices**

Doe v. H.C.A. Health Servs. of Tenn. [48,393]	813
--	-----

Conflict of Laws

Greenwood Trust Co. v. Massachusetts [47,943]	1356
--	------

Consumer Fraud Act

Montgomery v. City Wide Constr. [48,174]	432
--	-----

Consumer Protection Act

Adkinson v. Harpeth Ford-Mercury, Inc. [47,926]	1357
--	------

Credit Cards♦ **Service Fees**

Greenwood Trust Co. v. Massachusetts [47,943]	1356
--	------

Credit Practices

Reynolds v. D & N Bank [48,228]	546
---	-----

♦ **Conditions of Loans**

Burnett v. Ala Moana Pawn Shop [46,771]	181
Hawkins v. Superior Court of Los Angeles County [48,001]	184, 928

United States v. Tower Loan of Miss. [46,779]	182
--	-----

♦ **Written Reasons for Refusal of Credit**

United States v. Blake [46,781]	321
United States v. Tower Loan of Miss. [46,779]	182

Credit Reports

Lendino v. Trans Union Credit Information Co.	963
--	-----

♦ **Landlord Reporting Service**

Apartment Ass'n of Greater Los Angeles v. Lungren [48,416]	804
U.D. Registry v. California [48,414]	804

Credit Terms

Williams v. Federal Land Bank of Jackson	350
--	-----

Damages

Verdonck v. Scopes	457
------------------------------	-----

♦ **Collection Practices**

Donahue v. NFS, Inc.	222
Lauderback v. Master Collectors [46,768]	183

Deceptive Practices

American Ass'n for Senior Citizens, <i>In re</i> [48,274]	673
American Commercial Colleges, Inc. v. Davis	222
Citaramanis v. Hallowell [48,303]	671
Compton v. RPM Auto Sales [48,376]	805
Gavilan v. Martin [48,516]	928
Kansas <i>ex rel.</i> Stephan v. Hanna [48,272]	655
Maine v. American Ass'n for Senior Citizens [48,276]	673
Nebraska <i>ex rel.</i> Stenberg v. Krauss [48,269]	655
Rossi v. Gordon (<i>In re</i> Gordon) [48,603]	1354
Smith v. Keycorp Mortgage, Inc. [48,609]	1354
Stirling v. Adkins [48,634]	1358
Willingham Auto World v. Jones	964
Wisconsin v. Mid-America Living Trust [48,273]	656

Deeds of Trust

Sanders v. Statewide Custom Remodeling [48,524]	927
--	-----

Deficiency Judgment

BancOhio Nat'l Bank v. Quito [48,373]	804
---	-----

♦ **Commercially Reasonable Sale**

Citibank, N.A. v. Zuccaro [48,353]	805
Homebank, FSB v. Stephen [48,738]	1484
WKU Credit Union v. Hawks [48,078]	323

♦ **Public Sales**

WKU Credit Union v. Hawks [48,078]	323
--	-----

Discrimination

Luera v. Hilton [48,549]	926
United States v. Blake [46,781]	321
United States v. Tower Loan of Miss. [46,779]	182

Door-to-Door Sales

Sanders v. Statewide Custom Remodeling [48,524]	927
--	-----

♦ **Cooling-Off Period**

Montgomery v. City Wide Constr. [48,174]	432
--	-----

Equal Credit Opportunity Act♦ **Enforcement by Money Damages**

Luera v. Hilton [48,549]	926
------------------------------------	-----

♦ **Unfair Lending Practices of Banks**

Kensington Joint Action Council v. Fidelity Bank [48,178]	431
--	-----

♦ **Written Reasons for Refusal of Credit**

United States v. Blake [46,781]	321
United States v. Tower Loan of Miss. [46,779]	182

Fair Credit Reporting Act

Bloom v. I.C. Sys., Inc.	1391
----------------------------------	------

♦ **Consumer Reporting Agency**

Lendino v. Trans Union Credit Information Co.	963
--	-----

♦ **Disclosure of Records**

Lendino v. Trans Union Credit Information Co.	963
--	-----

Fraud and Misrepresentation

Adkinson v. Harpeth Ford-Mercury, Inc. [47,926]	1357
--	------

American Commercial Colleges, Inc. v. Davis	222
Compton v. RPM Auto Sales [48,376]	805
Iowa <i>ex rel.</i> Campbell v. Christensen [48,268]	672
Jackson v. Culinary School of Wash. [48,037]	1606
Minnesota v. Senior Fin. Servs. [48,277]	673
Shorter v. Alexander [47,950]	1606
Texas v. D.S.A. Fin. Publishing Corp. [48,271]	656
United States v. Jakeway	352
Williams v. Lievano [48,509]	928
Williams v. Moyer [48,509]	1485

♦ **General**

American Ass'n for Senior Citizens, <i>In re</i> [48,274]	673
Brad Ragan, Inc. v. Goggins [48,138]	432
Gavilan v. Martin [48,516]	928
Hawkins v. Superior Court of Los Angeles County [48,001]	184, 928
Kansas <i>ex rel.</i> Stephan v. Hanna [48,272]	655
Kansas <i>ex rel.</i> Stephan v. Sams [48,281]	655
Maine v. American Ass'n for Senior Citizens [48,276]	673
Verdonck v. Scopes	457

♦ **Liability of Assignee**

Kocsis v. Pierce	350
----------------------------	-----

♦ **Promotional Schemes**

American Ass'n for Senior Citizens, <i>In re</i> [48,274]	673
Kansas <i>ex rel.</i> Stephan v. Hanna [48,272]	655
Kansas <i>ex rel.</i> Stephan v. Sams [48,281]	655
Maine v. American Ass'n for Senior Citizens [48,276]	673
Nebraska <i>ex rel.</i> Stenberg v. Krauss [48,269]	655
Wisconsin v. Mid-America Living Trust [48,273]	656

Holder in Due Course

Higher Educ. Assistance Found. v. Cromartie [48,542]	933
---	-----

Home Building Contracts

Walls Builders v. V. [48,694]	1485
---	------

Home Improvement Contracts♦ **Deceptive Practices**

Stirling v. Adkins [48,634] 1358

♦ **Fraud and Misrepresentation**Sanders v. Statewide Custom Remodeling
[48,524] 927♦ **Truth in Lending Violations**

Reynolds v. D & N Bank [48,228] 546, 836

Sanders v. Statewide Custom Remodeling
[48,524] 927**Home Solicitation Sales**♦ **Right to Cancel**

Montgomery v. City Wide Constr. [48,174] 432

Judgment Levy Exemptions

Mentzer v. Van Scyoc [48,073] 322, 803

Sears, Roebuck & Co. v. Harris [48,088] 321

Land Sales

Shapiro & Meinhold v. Zartman [46,773] 184

Loans

Burnett v. Ala Moana Pawn Shop [46,771] 181

Dominion Bank of Middle Tenn. v. Bowling
Green Junior College [46,062] 188, 658Hawkins v. Superior Court of Los Angeles
County [48,001] 184, 928

Income Tax Buyers v. Hamm [46,756] 930

Johnson v. Fleet Fin., Inc. [47,940] 1356

Jones v. Fleet Fin. Inc. of Ga. [47,942] 1358

Kocsis v. Pierce 350

Palley v. Johnson [48,636] 1357

Reynolds v. D & N Bank [48,228] 546

Stansberry v. Thorp Credit, Inc. [48,091] 322

Williams v. Federal Land Bank of Jackson 350

Winchell v. USDA 696

Wright v. Transamerica Fin. Servs. [47,941] 1356

♦ **Disposition of Collateral**

WKU Credit Union v. Hawks [48,078] 323

Odometer Tampering

Verdonck v. Scopes 457

Prices

Ekl v. Knecht 222

RepossessionLarranaga v. Mile high Collection & Recovery
Bureau [46,775] 182**Rescission**

Indiana Fed. Credit Union v. Cox [48,109] 322

Williams v. Homestake Mortgage Co. 835

Security InterestDominion Bank of Middle Tenn. v. Bowling
Green Junior College [46,062] 188, 658

Williams v. Federal Land Bank of Jackson 350

♦ **Disclosure**

Reynolds v. D & N Bank [48,228] 546

Sheriff's Sale♦ **Execution of Judgment**

Hutchinson v. Cox [47,863] 178

Meritor Mortgage Corp.-E v. Henderson
[48,717] 1484**Statutory Damages**

Hollis v. Roberts [46,784] 320

Unauthorized PracticesFadia v. Unauthorized Practice of Law
Comm. 686**Unfair and Deceptive Trade Practices**American Ass'n for Senior Citizens, *In re*
[48,274] 673American Commercial Colleges, Inc. v.
Davis 222

Compton v. RPM Auto Sales [48,376] 805

Kansas *ex rel.* Stephan v. Hanna [48,272] 655Kansas *ex rel.* Stephan v. Sams [48,281] 655Maine v. American Ass'n for Senior Citizens
[48,276] 673Nebraska *ex rel.* Stenberg v. Krauss
[48,269] 655Texas v. D.S. A. Fin. Publishing Corp.
[48,271] 656

Williams v. Llevano [48,509] 928, 1485

Wisconsin v. Mid-America Living Trust
[48,273] 656

Uniform Commercial Code

- ♦ **Commercially Reasonable Requirements**
 - Citibank, N.A. v. Zuccaro [48,353] 805
- ♦ **Proper Notice of Deficiency Judgment**
 - BancOhio Nat'l Bank v. Quito [48,373] 804
- ♦ **Sales**
 - Citibank, N.A. v. Zuccaro [48,353] 805
 - Patton v. McHone 222

Usury

- Income Tax Buyer's v. Hamm [46,756] 930
- Johnson v. Fleet Fin., Inc. [47,940] 1356
- Jones v. Fleet Fin. Inc. of Ga. [47,942] 1358
- Palley v. Johnson [48,636] 1357
- Wright v. Transamerica Fin. Servs.
[47,941] 1356

Warranties

- ♦ **Implied**
 - Luera v. Hilton [48,549] 926
 - Patton v. McHone 222
- ♦ **Magnuson-Moss Warranty Act**
 - Ismael v. Goodman Toyota 686
 - Patton v. McHone 222

CONTRACTS

> See also CONSUMER

Assignment Enforceability

- Continental Casualty Co. v. Hunt [48,683] . . . 1504

Language Requirements

- Kien v. Kien [48,721] 1485

Terms of Payment

- Kien v. Kien [48,721] 1485

Unjust Enrichment

- Walls Builders v. V. [48,694] 1485

**CRIMINAL LAW AND
PROCEDURE**

> See also EVIDENCE, PRISONS

Victims

- Dix v. County of Shasta 687

Witnesses

- Aguilar-Ayala v. Ruiz 1398

**DEPENDENT AND NEGLECTED
CHILDREN**

> See also DIVORCE, DOMESTIC RELATIONS,
JUVENILES

- Pearson, *In re* [48,668] 1491

Abandonment

- F., K. L., Guardianship of, *In re* 844
- H., Y.M., *In re* 230

Adjudicatory Hearing

- H., D.A., *In re* 230

♦ **Discovery of Agency's Files**

- C., *In re* [48,231] 557

♦ **Due Process**

- B., D.A., *In re* 693

Adoptive Homes

- R. v. Clinton [48,193] 443

Child Abuse-Neglect

- Carlos, Adoption of, *In re* 970
- Jackson v. W. 971
- R. v. Clinton [48,193] 443
- Suter v. M. [48,036] 201

♦ **Care and Treatment**

- E. v. Martinez [45,828] 203

♦ **Foster Homes**

- Yvonne v. New Mexico Dep't of Human
Servs. 467

♦ **Hearing Procedures**

- H., D.A., *In re* 230

♦ **Investigations**

- B., S.M., *In re* 693

♦ **Records**

♦ **Access**

- C., *In re* [48,231] 557

Child Support

- Becker County Human Servs. v.
Peppel [48,247] 675, 1505

Benson v. Hackbarth	462	♦ Mental Health of Parents	
Department of Revenue v. G.W.A.	462	B., D.A., <i>In re</i>	693
Frazier v. Ives [47,081]	324	♦ Minors' Rights	
Luzerne County Children & Youth Servs. v.		F., Chrissy v. Mississippi Dep't of	
Cottam	463	Pub. Welfare	230
Nebraska ex rel. J.R. v. Mendoza	460	♦ Parents' Rights	
Oliphant v. Bradley [46,914]	563	Maier v. White [46,298]	556
Thompson v. Merritt	462	♦ Psychiatric Examination	
		B., S.M., <i>In re</i>	693
Custody		♦ Right to Hearing	
Arizona Dep't of Economic Sec. v. Superior		M., <i>In re</i> [48,127]	444
Court	844	♦ Service of Process	
E. v. Martinez [45,828]	203	Cowling, <i>In re</i>	834
M. v. Richardson [45,225]	819	♦ Visitation Rights	
Sedelmeier, Guardianship of, <i>In re</i>	1528	Nichols v. Ralston	462
W. v. Ryder [48,802]	1617	♦ Reunification Services	
♦ Deprived Parents		Suter v. M. [48,036]	201
B., D.A., <i>In re</i>	693	♦ Temporary Placement	
Brown v. Williams [47,856]	204, 444	Brown v. Williams [47,856]	204, 444
♦ Emergency Transfers		L., Ruth v. Missouri	845
Brown v. Williams [47,856]	204, 444	R. v. Clinton [48,193]	443
♦ Financial Responsibility		S., R.D., <i>In re</i>	844
Hardin County v. Franklin County	1632	♦ Termination of Parental Rights	
♦ Foster Parents		B., A.D., <i>In re</i>	230
Maricopa County Juvenile Action, <i>In re</i>	569	C., T., <i>In re</i>	1630
Rodarte v. Cox	570	F., J.L., <i>In re</i>	459
♦ Grandparents		Harvick v. Harvick	464
Barnhart, Estate of, <i>In re</i>	971	J., C., Welfare of, <i>In re</i>	462
L., Ruth v. Missouri	845	K. v. K. [48,698]	1498
♦ Handicapped Persons		L., S., Matter of	1392
C., <i>In re</i> [48,218]	558	P., <i>In re</i>	966
♦ Psychiatric Examinations		S. v. K. [48,489]	930
S., R.D., <i>In re</i>	844	Sedelmeier, Guardianship of, <i>In re</i>	1528
♦ Interest of Child		♦ Evidentiary Standard	
C., <i>In re</i> [48,218]	558	S., R.A., <i>In re</i>	462
L., <i>In re</i>	355	Winston v. Simonton [46,746]	1498
Winston v. Simonton [46,746]	1498	♦ Failure to Provide for Future of Child	
♦ Joint Custody		Carlos, Adoption of, <i>In re</i>	970
Nichols v. Ralston	462	♦ Failure to Support	
♦ Jurisdiction		Winston v. Simonton [46,746]	1498
Luzerne County Children & Youth Servs. v.			
Cottam	463		

♦ Grounds		
F., K.L., Guardianship of, <i>In re</i>	844	
H., Y.M., <i>In re</i>	230	
L., <i>In re</i> [48,684]	1499	
Rodarte v. Cox	570	
S., R.A., <i>In re</i>	462	
♦ Handicapped Parents		
♦ Mental Disabilities		
B., D.A., <i>In re</i>	693	
M., <i>In re</i> [48,298]	671	
R., R., <i>In re</i>	355	
♦ Jurisdiction		
P., D.S., <i>In re</i>	356	
♦ Standard of Proof		
P., D.S., <i>In re</i>	356	
R., R., <i>In re</i>	355	
♦ Sufficiency of Evidence of Fitness		
L., <i>In re</i> [48,684]	1499	
Maricopa County Juvenile Action, <i>In re</i>	574	
V., L., <i>In re</i>	467	
Dependency Proceeding		
C., <i>In re</i> [48,231]	557	
D., S. v. Florida Dep't of Health & Rehabilitative Servs.	1528	
Department of Health & Rehabilitative Servs. v. Coskey	845	
H., D.A., <i>In re</i>	230	
M., <i>In re</i> [48,298]	671	
S., R.D., <i>In re</i>	844	
W. v. Ryder [48,802]	1617	
♦ Standard of Proof		
B., S.M., <i>In re</i>	693	
L., <i>In re</i> [48,684]	1499	
Foster Care		
Brown v. Williams [47,856]	204, 444	
C., S., <i>In re</i>	973	
Lipscomp v. Simmons	693	
Maher v. White [46,298]	556	
R. v. Clinton [48,193]	443	
Sanders v. Weston [48,638]	1366	
Yvonne v. New Mexico Dep't of Human Servs.	467	
♦ Monitoring		
M. v. Richardson [45,225]	819	
Sayers v. Beltrami County	468	
♦ Placement		
C., <i>In re</i> [48,218]	558	
City & County of San Francisco v. McMahon [45,777]	819	
Washington State Coalition for the Homeless v. Department of Social & Health Servs. [47,062]	818	
♦ Negligence		
Sayers v. Beltrami	468	
♦ Relative Responsibility		
Doe Children, <i>In re</i>	460	
♦ Termination		
C., <i>In re</i> [48,218]	558	
F., K.L., Guardianship of, <i>In re</i>	844	
M., <i>In re</i> [48,127]	444	
Foster Parents		
City & County of San Francisco v. McMahon [45,777]	819	
Parents		
♦ Drug Abuse		
Harvick v. Harvick	464	
Nichols v. Ralston	462	
♦ Rehabilitative Services		
Christine v. Mary Ellen [48,696]	1499	
♦ Rights		
M., <i>In re</i> [48,298]	671	
V., L., <i>In re</i>	467	
♦ Right to Copies of Records and Reports		
C., <i>In re</i> [48,231]	557	
Maher v. White [46,298]	556	
♦ Right to Counsel		
D., S. v. Florida Dep't of Health & Rehabilitative Servs.	1528	
Department of Health & Rehabilitative Servs. v. Coskey	845	
Person in Need Of Supervision		
E. v. Martinez [45,828]	203	

Surrogate Parents

- Alber v. Illinois Dep't of Mental Health &
Developmental Disabilities 459

DISABILITY**> See also EDUCATION, MENTAL HEALTH**

- Richardson v. Snider [47,826] 193

Americans with Disabilities Act

- House v. Helm [48,282] 656

Architectural Barriers**♦ Barrier Free Access**

- Concerned Citizens of King-Parkway
Dev. v. Illinois Parkway Garden Assocs.
[48,214] 547
- D.I.A.L. v. New Jersey Dep't of Community
Affairs 459

♦ Braille or Tactile Markings

- Concerned Citizens of King-Parkway
Dev. v. Illinois Parkway Garden Assoc.
[48,214] 597

Athletic Activities

- Anderson v. Little League Baseball, Inc. 964

Blind Persons

- United States v. Mississippi Vocational
Rehabilitation for the Blind 964

Deaf Persons

- Clarkson v. Coughlin 357
- Indiana Dep't of Human Servs. v. Firth 459
- Walls Builders v. V. [48,694] 1485

Discrimination

- Anderson v. Little League Baseball, Inc. 964
- Jarrell v. Town of Topsail Beach 221
- L. v. SSA [45,956] 823
- M., *in re* [48,298] 671
- Miller v. Massachusetts Dep't of Pub. Health
[48,106] 331
- Minnesota v. Clausen 1527
- Stewart B. McKinney Found. v. Town
Plan & Zoning Comm'n of Fairfield,
Conn. [48,093] 323, 547

♦ Housing

- Anderson v. Collis [48,693] 1486
- Blackwell v. City of Hendersonville,
N.C. [48,217] 555
- Horizon Hous. Dev. Servs. v. Township of
Upper Southampton [45,191] 806
- Lloyd v. Housing Auth. of Kirksville,
Mo. [48,658] 1371
- Mains Farm Homeowners Ass'n v.
Worthington [48,134] 440
- Michigan Protection & Advocacy Servs.,
Inc. v. Babin 1397
- Morey v. Highwood Assocs. [48,103] 324
- T. v. Housing Auth. of Borough of Princeton
[47,114] 1614
- United States v. Southern Management
Corp. [46,158] 333
- Williams v. Housing Auth. of San Francisco
[47,982] 197

Education

- Capiello v. District of Columbia 224
- Cocores v. Portsmouth, N.H., Sch. Dist. 225
- Fenneman v. Town of Gorham 1518
- Gardner v. School Bd. of Caddo Parish 458
- Hickey v. Irving Indep. Sch. Dist. 1392
- Koester v. Wellsville-Middletown R-1
Sch. Dist. 458

♦ Adult Education

- Polkaba v. Commission for the Blind &
Visually Handicapped [48,172] 433

♦ Appropriate Education Programs

- Angevine v. Smith [48,008] 186
- Big Beaver Falls Area Sch. Dist. v. Jackson 1523
- Doyle v. Arlington County Sch. Bd. 224
- Edwards-White v. District of Columbia 458
- Matthew v. Maryland Office of Children,
Youth & Families [48,556] 1359
- Merry v. Parkway Sch. Dist. [48,104] 327
- Metropolitan Sch. Dist. of Wayne Township v.
Davila [47,178] 966
- Militello v. Board of Educ. of Union City 1519
- P. v. Sobol [25,954] 933
- Straube v. Florida Union Free Sch. Dist. 225

♦ Interpreter Services

- Indiana Dep't of Human Servs. v. Firth 459

♦ **Judicial Review**

District Sch. Bd. of Putnam County v. Roderick	349
E. v. New Jersey Dep't of Human Servs.	352
Hacienda LaPuente Unified Sch. Dist. of Los Angeles v. Honig	1393
Murphy v. Timberlane Regional Sch. Dist.	1393

♦ **Private Schools**

E. v. New Jersey Dep't of Human Servs.	352
Florence County Sch. Dist. 4 v. Carter [47,861]	1488
J., P. v. Connecticut Bd. of Educ.	571
Manchester Sch. Dist. v. B.	1626
Straube v. Florida Union Free Sch. Dist.	1523

♦ **Program Modification**

Massachusetts Dep't of Pub. Health v. Sch. Comm. of Tewksbury [47,979]	188
---	-----

♦ **Public Schools**

Board of Educ., Sacramento City Unified Sch. Dist. v. Holland	458
Felter v. Cape Girardeau Pub. Sch. Dist. [48,233]	1488
G., W. v. Board of Trustees of Target Range School	570
Granite Sch. Dist. v. Shannon M.	571
J., P. v. Connecticut Bd. of Educ.	571
Murphy v. Timberlane Regional Sch. Dist.	1393
Zellman v. Kenston Bd. of Educ.	688

♦ **Residential Schools**

Ash v. Lake Oswego Sch. Dist.	1627
Massachusetts Dep't of Pub. Health v. Sch. Comm. of Tewksbury [47,979]	188

♦ **School Costs**

E. v. New Jersey Dep't of Human Servs.	352
McClain v. Smith [47,921]	189

♦ **Deaf Children**

Zobrest v. Catalina Foothills Sch. Dist.	687
--	-----

♦ **Diagnosis and Evaluation**

Deskins v. Musick [48,336]	658
--------------------------------------	-----

♦ **Emotionally Disturbed Children**

Babb v. Knox County School System	836
Big Beaver Falls Area Sch. Dist. v. Jackson	1523
L., Mr. & Mrs. v. Woonsocket Educ. Dep't	834

♦ **Hearings**

Heldman v. Sobol	687
Leon v. Michigan Bd. of Educ.	1626

♦ **Infant and Toddler's Program**

Matthew v. Maryland Office of Children, Youth & Families [48,556]	1359
--	------

♦ **Learning Disabled Children**

Angevine v. Smith [48,008]	186
Oberti v. Board of Educ.	689
Straube v. Florida Union Free Sch. Dist.	225

♦ **Tort Action**

Zellman v. Kenston Bd. of Educ.	688
---	-----

♦ **Mentally Handicapped Persons**

E. v. New Jersey Dep't of Human Servs.	352
J. v. Little Rock Sch. Dist.	963
Wood v. President 7 Trustees of Spring Hill College	1522

♦ **Placement**

Angevine v. Smith [48,008]	186
Merry v. Parkway Sch. Dist. [48,104]	327

♦ **Due Process**♦ **Parent's Rights**

Heldman v. Sobol	687
----------------------------	-----

♦ **Least Restrictive Alternative**

J., P. v. Connecticut Bd. of Educ.	571
--	-----

♦ **Mainstreaming**

Oberti v. Board of Educ. of Borough of Clementon Sch. Dist.	689, 1523
--	-----------

♦ **Private Schools**

Dreher v. Amphitheater Unified Sch. Dist.	1392
Manchester Sch. Dist. v. B.	1626
Tribble v. Montgomery County Bd. of Educ.	1392

♦ **Financial Aid**

Florence County Sch. Dist. 4 v. Carter [47,861]	187, 326, 1488
--	----------------

♦ **Tutors**

G., W. v. Board of Trustees of Target Range School	570
---	-----

♦ **Residency**

F. v. Department of Health & Mental Hygiene [48,557]	1358
---	------

♦ **Residential Schools**

D. v. Kirby	1391
McClain v. Smith [47,921]	189
Woods v. New Jersey Dep't of Educ.	1392

♦ **Programming**

Masotti v. Tustin Unified Sch. Dist.	1625
McClain v. Smith [47,921]	189
Woods v. New Jersey Dep't of Educ.	1392

♦ **Special Education**

Deskins v. Musick [48,336]	658
Felter v. Cape Girardeau Pub. Sch. Dist. [48,233]	549, 1488
Fischer v. Rochester Community Schools	219
Greer v. Rome City Sch. Dist.	351
L., Mr. & Mrs. v. Woonsocket Educ. Dep't	834
Metropolitan Sch. Dist. of Wayne Township v. Davila [47,178]	966
Oberti v. Board of Educ.	689
Straube v. Florida Union Free Sch. Dist.	225
Wright v. Saco Sch. Dep't	967

♦ **Tuition Reimbursement**

Ash v. Lake Oswego Sch. Dist.	1627
Babb v. Knox County Sch. Sys.	836
Florence County Sch. Dist. 4 v. Carter [47,861]	187, 326
Gertel v. School Comm. of Brookline Sch. Dist.	352
Kroot v. District of Columbia	1522

Employment Discrimination

Anderson v. Live Plants, Inc.	965
AT&T Information Sys. v. Wallemann	572
Beck v. Interstate Brands Corp.	226
Kent v. Derwinski	687
Sanchez v. Lagoudakis	965

♦ **Definition of Qualified Individual**

Dunlap, Petition of, <i>In re</i>	465
Rothwell v. Wetterau, Inc.	227

♦ **Rehabilitation Act**

Teahan v. Metro-North Commuter R.R. Co.	225
---	-----

Handicapped Children's Protection Act

Aronow v. District of Columbia	347
--	-----

Health Care Services

Busalacchi, <i>In re</i> [46,370]	1491
---	------

♦ **Home Care Allowance**

Adams v. Colorado Dep't of Social Servs. [43,865]	228
--	-----

Institutionalization

Chapter 15, San Francisco Admin. Code, Sec. 15.7, <i>In re</i> [47,983]	206
Doe v. Cowherd [33,390]	836
Jackson v. Fort Stanton Hosp. & Training Sch.	687
M., W., <i>In re</i>	458

Least Restrictive Alternative

Jackson v. Fort Stanton Hosp. & Training Sch.	687
--	-----

♦ **Community Based Programs**♦ **Zoning**

Stewart B. McKinney Found. v. Town Plan & Zoning Comm'n of Fairfield, Conn. [48,093]	323, 547
United States v. City of Taylor, Mich.	1392

♦ **Home Care Services**

Bethpage Lutheran Servs. v. Weicker	841
---	-----

Mentally Handicapped

L. v. SSA [45,956]	823
------------------------------	-----

♦ **Community Placement**

Rosen v. New Jersey Div. of Developmental Disabilities	687
Tellurian U.C.A.N. v. Goodrich [45,192]	338

Mentally Retarded

Consumer Advisory Bd. v. Glover [47,158]	926
Doe v. Cowherd [33,390]	836

♦ **Community Living Arrangements**

Bethpage Lutheran Servs. v. Weicker	841
---	-----

♦ **Parent's Rights**

Christine v. Mary Ellen [48,696]	1499
--	------

Protection and Advocacy Services

B., <i>In re</i> [48,401]	806
K., <i>In re</i> [48,402]	806

Rehabilitation Act

Buchanan v. Ives	964
Hickey v. Irving Indep. Sch. Dist.	1392
Polkaba v. Commission for the Blind & Visually Handicapped [48,172]	433
Wood v. President & Trustees of Spring Hill College	1522

♦ **Due Process**

Miller v. Massachusetts Dep't of Pub. Health [48,106]	331
--	-----

♦ **Section 501**

♦ **Special Accommodation**

Langon v. HHS [48,039]	323
----------------------------------	-----

♦ **Section 504**

Cushing v. Moore	968
L. v. SSA [45,956]	823

♦ **Administrative Complaint**

Harrison, <i>In re</i> [48,716]	1487
---	------

Right to Counsel

B., <i>In re</i> [48,401]	806
K., <i>In re</i> [48,402]	806

Transportation

Marshall v. Switzer [48,744]	1486
--	------

Vocational Rehabilitation Act

Buchanan v. Ives	964
Indiana Dep't of Human Servs. v. Firth	459
Marshall v. Switzer [48,744]	1486
United States v. Mississippi Vocational Rehabilitation for the Blind	964

DIVORCE

➤ **See also DOMESTIC RELATIONS**

Cote v. Cote	223
------------------------	-----

Alimony

Rutherford v. Rutherford [47,862]	185
---	-----

♦ **Modification**

Krebs v. Krebs [48,293]	657
Langley v. Langley	223

♦ **Termination**

♦ **Live-In Lover**

Alford v. Alford	461
----------------------------	-----

Child Support

Clayton v. Clayton [48,131]	433
Cochran v. Cochran	966
Kukuruza v. Kukuruza	223
Langford v. Langford	1627
Nunn v. Terry [48,406]	807
Proudfit v. O'Neal [48,077]	326

♦ **Enforcement**

Alpena Friend of the Court v. Durecki	1521
Guthrie v. Support Enforcement Div.	463
Illinois <i>ex rel.</i> LeGout v. Decker	351
King v. Bradley [47,992]	185
Silvering v. Vito	965
Weeks v. Weeks	351

♦ **Inability to Pay**

Missouri <i>ex rel.</i> Cal. v. Littlejohn [48,487]	931
Tennessee <i>ex rel.</i> Dep't of Human Servs. v. Basler [47,064]	186
Uppendahl, Marriage of, <i>In re</i>	463

♦ **Modification**

Dinkel v. Dinkel	688
Gehl, Marriage of, <i>In re</i>	836
Keopke, Marriage of, <i>In re</i>	688
Keplinger v. Keplinger	1521
Krebs v. Krebs [48,293]	657
Peterson v. Smith	463
Steioff v. Steioff	965

♦ **Nonpayment**

Caswell, Marriage of, <i>In re</i>	351
Cook v. Covey	838
Krebs v. Krebs [48,293]	657

♦ **Contempt**

Belue v. Belue	688
Kessler v. Kessler [47,831]	177
Steioff v. Steioff	965

♦ **Reduction**

Illinois v. Hines	1520
-----------------------------	------

♦ **Reimbursement to Welfare Agency**

Missouri <i>ex rel.</i> Cal. v. Littlejohn [48,487]	931
---	-----

♦ **Uniform Reciprocal Enforcement of Support Act**Illinois *ex rel.* LeGout v. Decker 351**Custody**

Peters v. Hennenhoefter 685
 VanName v. VanName 965

♦ **Change of Custody**

Davis v. Davis 1521
 N., S.R., *In re* 464
 Nielson v. Nielson 463

♦ **Determination of Custody**

E., T.W. v. K.M.E. 570
 Evans v. Evans [48,074] 325
 Fromdahl, *In re* 1519
 Schestler v. Schestler 837

♦ **Uniform Child Custody Jurisdiction Act**♦ **Jurisdiction**

Elam v. Elam 837
 Mackie, Marriage of, *In re* 838

Grounds

Rutherford v. Rutherford [47,862] 185

Jurisdiction

Department of Health & Rehabilitative
 Servs. v. Ward 837

Property Division

Cochran v. Cochran 966

Separation Agreements

Cook v. Covey 838

Settlements

Kessler v. Kessler [47,831] 177

Visitation Rights♦ **Denial**

Pater v. Pater 460

♦ **Modification**

Burrows v. Brady 569
 Pater v. Pater 460

DOMESTIC RELATIONS➤ **See also ADOPTION, DEPENDENT AND NEGLECTED CHILDREN, DIVORCE, ILLEGITIMATE CHILDREN****Child Support**

Alpena Friend of the Court v. Durecki 1521
 Atkinson v. Atkinson 1522
 B., *In re* 1520
 B., C., Matter of the Paternity of, *In re* 688
 Barnes v. Healy [45,717] 1382
 Bogan v. Smith 224
 Clayton v. Clayton [48,131] 433
 Cole v. Cole 463
 Florida Dep't of Health & Rehabilitation
 Servs. v. Durah 361
 Florida Dep't of Health & Rehabilitation
 Servs. *ex rel.* Craft v. Craft 569
 Frens v. Frens 224
 Gehl, Marriage of, *In re* 836
 Illinois v. Hines 1520
 Keplinger v. Keplinger 1521
 King v. Bradley [47,992] 185, 657
 Krebs v. Krebs [48,293] 657
 Kukuruzza v. Kukuruzza 223
 Langford v. Langford 1627
 Marker v. Grimm 1519
 Mason v. Bradley [48,202] 563
 Nunn v. Terry [48,406] 807
 Ohio *ex rel.* Athens County Dep't of Human
 Servs. v. Wolf 1522
 Ohio Dep't of Human Servs. v. Sullivan
 [46,733] 930
 P., *In re* [48,372] 809
 Peters v. Hennenhoefter 685
 Proudfit v. O'Neal [48,077] 326
 Silvering v. Vito 965
 State *ex rel.* Cacek v. Cacek 688
 Thronset v. L.L.S. 837
 Voecks v. Voecks 1520
 Wollschlager v. Veal 965

♦ **Collection**

Cameron v. Hughes 350
 Commissioner of Human Resources v.
 Bridgeforth 464
 Chiapelli v. Viviano 461

Collazo v. Bane [48,779]	1605
Dinkel v. Dinkel	688
Ferree v. Sparks	1521
Howe v. Ellenbecker [45,531]	548, 806
Illinois <i>ex rel.</i> LeGout v. Decker	351
Illinois <i>ex rel.</i> Massey v. Jones	1392
King v. Bradley [47,992]	1487
LaRue v. LaRue	839
Missouri <i>ex rel.</i> Cal. v. Littlejohn [48,487]	931
Przylepa v. Przylepa	1522
Puglia v. Puglia	837
Renaud v. Commissioner, Me. Dep't of Human Servs. [48,568]	1359
Rogers v. Bucks County Domestic Relations	459
Tennessee <i>ex rel.</i> Dep't of Human Servs. v. Basler [47,064]	186
Tullock v. Flickinger	1626
Uppendahl, Marriage of, <i>In re</i>	463
Weeks v. Weeks	351
Wilson v. Wilson	461
♦ Enforcement	
Caswell, Marriage of, <i>In re</i>	351
Ohio Dep't of Human Servs. v. Sullivan [46,733]	325
♦ Nonpayment	
Ferree v. Sparks	1521
Iowa <i>ex rel.</i> Wagner v. Wagner	460
King v. Bradley [47,992]	1487
Kirwan v. Kirwan	1520
McCall v. McCall	569
Puglia v. Puglia	837
State v. Messer	966
Winston v. Simonton [46,746]	1498
♦ Contempt	
Belue v. Belue	688
Johnson v. Johnson	838
Spangler v. Spangler	838
♦ Imprisonment	
Alford, <i>Ex parte</i>	463
Spangler v. Spangler	838
Willis, <i>In re</i>	1520
♦ Parents' Responsibility	
Cobb v. Cobb	461

Guthrie v. Support Enforcement Div.	463
Guyton v. Guyton	459
Hasty v. Hasty	460
Keopke, Marriage of, <i>In re</i>	688
McNeal v. Cofield	1521
Nebraska <i>ex rel.</i> J.R. v. Mendoza	460
Potts v. Potts	570
Przylepa v. Przylepa	1522
Singleton v. Waties	1627
Thompson v. Merritt	462
Wilson v. Wilson	461
♦ Uniform Reciprocal Enforcement of Support Act	
Alabama <i>ex rel.</i> Van Buren County Dep't of Social Servs. v. Dempsey	850
Department of Health & Rehabilitative Servs. v. Ward	837
Poynter v. Poynter	461
Smith v. Steen	966
♦ Voluntary Relinquishment of Custody	
Bowie v. Arder	1519
E., T.W. v. K.M.E.	570
Evans v. Evans [48,074]	325, 807
Fromdahl, <i>In re</i>	1519
L., <i>In re</i>	355
L., S., Matter	1392
VanName v. VanName	965
♦ Change	
Barnhart, Estate of, <i>In re</i>	971
C., Steven, <i>In re</i>	839
Davis v. Davis	1521
G., P. v. W.M.T.	223
Hall v. Cawvey	837
J., C., Welfare of, <i>In re</i>	462
L., D., <i>In re</i>	461
Landry v. Nauls	838
Montalvo v. Montalvo	223
N., S.R., <i>In re</i>	464
Nielson v. Nielson	463
W., L., Interest of, <i>In re</i>	837
♦ Child Snatching	
J., C., Welfare of, <i>In re</i>	462

♦ **Jurisdiction**

Elam v. Elam	837
Tallman v. Milton	462
W., L., Interest of, <i>In re</i>	837
Wyoming <i>ex rel.</i> Griffin v. District Court of the Fifth Dist. [48,095]	325

♦ **Sexual Abuse**

Montalvo v. Montalvo	223
--------------------------------	-----

♦ **Uniform Child Custody Jurisdiction Act**

Bubnich v. Bubnich [48,392]	808
C., Steven, <i>In re</i>	839
Stubbs v. Weathersby	965
W., L., Interest of, <i>In re</i>	837
Wyoming <i>ex rel.</i> Griffin v. District Court of the Fifth Dist. [48,095]	325

Domestic Violence

Swenson v. Swenson	1521
------------------------------	------

♦ **Battered Women**

Schestler v. Schestler	837
Cosme v. Figueroa	838

♦ **Abuse Statutes**

Seabolt v. Ashley [48,034]	186
--------------------------------------	-----

♦ **Access to Courts**♦ **Protection Orders**

Deacon v. Landers	351
Heard v. Heard [47,773]	808

♦ **Legal Options**

Seabolt v. Ashley [48,034]	186
--------------------------------------	-----

♦ **Personal Injury Action**♦ **Against Police**

Roy v. City of Everett	223
----------------------------------	-----

♦ **Police**

Roy v. City of Everett	223
----------------------------------	-----

♦ **Duty to Advise of Rights**

Seabolt v. Ashley [48,034]	186
--------------------------------------	-----

♦ **Child Abuse**

Ellibee v. Ellibee	460
------------------------------	-----

Visitation Rights

Burrows v. Brady	569
----------------------------	-----

♦ **Non-Parents**

Lockhart v. Lockhart	1520
--------------------------------	------

S., N., <i>In re</i>	223
--------------------------------	-----

DRIVER'S LICENSE> **See also AUTOMOBILES****Revocation**

Emmet v. Rickert	220
----------------------------	-----

DUE PROCESS**Administrative Actions**

Hopkins v. New Bedford Hous. Auth. [47,925]	200
--	-----

Aliens

Calero v. INS	355
El Rescate Legal Servs. v. Executive Office of Immigration Review [45,687]	336
Gutierrez-Rogue v. INS	354

Appeals

Whiteside v. Nelson [48,176]	447
--	-----

Courts♦ **Discretion of Court**

Daulton v. Caldwell	834
-------------------------------	-----

Delays

Mason v. Bradley [48,202]	563
-------------------------------------	-----

♦ **Administrative Proceedings**

Ochoa v. Harvey [48,327]	677
------------------------------------	-----

Deprivation of Property

City & County of San Francisco v. McMahon [45,777]	819
Goetz v. Crosson	845
Heichelbech v. Evans [48,688]	1501
Medley v. City of Milwaukee	969
National Ass'n of Radiation Survivors v. Derwinski	360
Thornton v. Sullivan [48,171]	448
United States v. A Leasehold Interest in Property Located at 850 S. Maple [45,859]	317

♦ **Assessments for Benefits**

Howell v. Heim [48,147]	452
-----------------------------------	-----

- ♦ **Just Compensation**
 - Hill v. Ibarra 361

Judgments

- ♦ **Validity**
 - ♦ **Ex Parte Judgment**
 - Deacon v. Landers 351

Notice and Opportunity to Be Heard

- Blake v. Young [48,044] 345
- Bosse v. Duvall [47,977] 200
- Calloway v. Kanawha County Hous. &
Redevelopment Auth. [47,996] 199
- Camper v. Goode [48,168] 438
- Hopkins v. New Bedford Hous. Auth.
[47,925] 200
- Naranjo-Aguilera v. INS [48,241] 556
- Richmond Tenants Org. v. Kemp [45,826] 196
- Russell v. Village of Trimble [48,388] 821
- Whiteside v. Nelson [48,176] 447

- ♦ **Execution on Judgment**
 - Hutchinson v. Cox [47,863] 178
- ♦ **Fairness and Reasonableness**
 - Kendrick v. Sullivan 359
 - Rivera v. Board of Review 697
- ♦ **Legal Incapacity**
 - R., R., *In re* 355
- ♦ **Statutory Notice**
 - Hutchinson v. Cox [47,863] 178
- ♦ **Sufficiency**
 - Barnes v. Healy [45,717] 1382

Representation by Counsel

- ♦ **Appointment by Court**
 - S. v. K. [48,489] 930

Standards

- Luzerne County Children & Youth Servs. v.
Cottam 463

EDUCATION

- > **See also LANGUAGE DISCRIMINATION**

Admission

- Salazar v. Edwards [48,264] 658

Athletic Activities

- Crocker v. Tennessee Secondary Sch.
Athletic Assoc. 1627

Attendance Requirements

- Clark v. Reiss 839

Bilingual-Bicultural Education

- ♦ **Right to**
 - Ledesma v. Seattle Sch. Dist. No. 1
[48,677] 1489
 - P. v. Sobol [25,954] 933

Curriculum

- Grimes v. Cavazos 464
- Steirer v. Bethlehem Area School Dist. 689

Desegregation Requirements

- Dowell v. Board of Educ. of Oklahoma
City Pub. Schools 225
- Freeman v. Pitts 351

Discipline

- ♦ **Expulsion**
 - Howard v. Colonial School Dist. 571
- ♦ **Suspension**
 - ♦ **Due Process**
 - James v. Sch. Dist. [48,137] 434
 - ♦ **Hearings**
 - Sieck v. Oak Park-River Forest High Sch. 1628

Discrimination

- ♦ **Handicapped Persons**
 - Hickey v. Irving Indep. Sch. Dist. 1392
 - Massachusetts Dep't of Pub. Health v. School
Comm. of Tewksbury [47,979] 188
 - Merry v. Parkway Sch. Dist. [48,104] 327
- ♦ **Integration**
 - Ledesma v. Seattle Sch. Dist. No. 1
[48,677] 1489
- ♦ **Race**
 - Grimes v. Cavazos 464
 - Rodriguez v. Los Angeles Unified Sch. Dist.
[42,751] 933

♦ **Spanish-Speaking**

Ledesma v. Seattle Sch. Dist. No. 1 [48,677]	1489
---	------

Educational Rights

Cazares v. Barber	455
Charlet v. Legislature of La. [48,006]	189
Lampkin v. District of Columbia [48,581]	1360

Fees

Arcadia Unified School v. California Dep't of Educ.	352
--	-----

♦ **Exemption for Indigent Students**

Blair v. Board of Educ., Pleasant Valley Sch. Dist. #62, Peoria County [48,163]	433
--	-----

Financing

Bragdon v. Maine Dep't of Human Servs. [47,830]	213
Charlet v. Legislature of La. [48,006]	189
Davis v. Grover	352

Public Schools

Rodriguez v. Los Angeles Unified Sch. Dist. [42,751]	933
---	-----

♦ **School Closures**

Butt v. Richmond Unified Sch. Dist. Bd. of Educ. [47,868]	189
--	-----

♦ **Student Loans**

Dominion Bank of Middle Tenn. v. Bowling Green Junior College [46,062]	188, 658
Hernandez v. Secretary of Educ. [46,792]	549
Keams v. Temple Technical Inst., Inc. [46,793]	1627
LaPoint v. Secretary of Educ. [48,799]	1607
Shorter v. Alexander [47,950]	1606
Tipton v. Secretary of Educ. [45,765]	544, 1607
United States v. Jakeway	352
Vizcarrondo v. Foley [48,252]	659
United States v. McGrath [48,333]	653

♦ **Recovery**

Jackson v. Culinary School of Wash. [48,037]	187, 1606
Higher Educ. Assistance Found. v. Cromartie [48,542]	933

Home Programs

Clark v. Reiss	839
--------------------------	-----

Indigent Students♦ **Waiver of Fees**

Blair v. Board of Educ., Pleasant Valley Sch. Dist. #62, Peoria County [48,163]	433
--	-----

Learning Disabled Children

Angevine v. Smith [48,008]	186
Ash v. Lake Oswego Sch. Dist.	1627
Oberti v. Board of Educ.	689
Straube v. Florida Union Free Sch. Dist.	1523

♦ **Special Programs**

Cordero v. Pennsylvania Dep't of Educ.	1393
G., W. v. Board of Trustees of Target Range School	570
Metropolitan Sch. Dist. of Wayne Township v. Davila [47,178]	966
P. v. Sobol [25,954]	933

♦ **Timely Evaluation and Placement**

Murphy v. Timberlane Regional Sch. Dist.	1393
--	------

Overcrowded Schools

Rodriguez v. Los Angeles Unified Sch. Dist. [42,751]	933
---	-----

Parochial School

Felter v. Cape Girardeau Pub. Sch. Dist. [48,233]	549
--	-----

Pregnant Students

Cazares v. Barber	455
-----------------------------	-----

Private Schools

Davis v. Grover	352
---------------------------	-----

♦ **Reimbursement**

Florence County Sch. Dist. 4 v. Carter [47,861]	187, 326, 1488
Gertel v. School Comm. of Brookline School Dist.	352
Kroot v. District of Columbia	1522

♦ **Special Education**

Kroot v. District of Columbia	1522
---	------

ELECTIONS

Records

♦ Confidentiality

Aufox v. Board of Educ. of Township High Sch. Dist. No. 113	464
R. v. Board of Educ.	967

School Officials

♦ Immunity

Zellman v. Kenston Bd. of Educ.	688
---	-----

Special Education

Big Beaver Falls Area Sch. Dist. v. Jackson	1523
Cordero v. Pennsylvania Dep't of Educ.	1393
Deskins v. Musick [48,336]	658
Felter v. Cape Girardeau Pub. Sch. Dist. [48,233]	549, 1488
Hacienda LaPuente Unified Sch. Dist. of Los Angeles v. Honig	1393
Kroot v. District of Columbia	1522
Metropolitan Sch. Dist. of Wayne Township v. Davila [47,178]	966
Oberti v. Board of Educ. of Borough of Clementon Sch. Dist.	1523
P. v. Sobol [25,954]	933
W.G. v. Board of Trustees	689
Wright v. Saco School Dep't	967
Zellman v. Kenston Bd. of Educ.	688

Title IX

♦ Sex Discrimination

Franklin v. Gwinnett County Pub. Schs.	224
Williams v. Sch. Dist. of Bethlehem, Pa.	1391

Transfers

Crocker v. Tennessee Secondary Sch. Athletic Assoc.	1627
---	------

Transportation

Arcadia Unified School v. California Dep't of Educ.	352
Felter v. Cape Girardeau Pub. Sch. Dist. [48,233]	1488
Novak v. Revere Local School Dist.	225
Salazar v. Edwards [48,264]	658

Tuition

♦ Grants

Vizcarrondo v. Foley [48,252]	659
---	-----

♦ Handicapped Persons

Polkabra v. Commission for the Blind & Visually Handicapped [48,172]	433
--	-----

♦ Residency Requirements

S. v. Board of Educ.	1523
------------------------------	------

Tutoring

W.G. v. Board of Trustees	689
-------------------------------------	-----

Vocational Education

Keams v. Tempe Technical Inst., Inc. [46,793]	549, 1627
LaPoint v. Secretary of Educ. [48,799]	1607
Rosario v. Livaditis [44,042]	689
Shorter v. Alexander [47,950]	1606

♦ Discrimination

National Puerto Rican Coalition v. Alexander [48,704]	1488
---	------

♦ Financing

Hernandez v. Secretary of Educ. [46,792]	549
Jackson v. Culinary School of Wash. [48,037]	187
United States v. Jakeway	352

ELECTIONS

Ballots

Burke v. Cooney [48,332]	659
------------------------------------	-----

Local Elections

Burke v. Cooney [48,332]	659
------------------------------------	-----

Referendum

Burke v. Cooney [48,332]	659
------------------------------------	-----

Right to Vote

Coalition for the Homeless v. Jensen [48,624]	1360
---	------

♦ Mentally Ill Persons

Decker v. Wood [48,769]	1617
-----------------------------------	------

EMPLOYMENT**> See also EMPLOYMENT DISCRIMINATION, GARNISHMENT, MIGRANTS, PENSION**

Duffy v. Gainey Transp. Servs., Inc.	571
Guerrero v. Horn [48,012]	327
Saylor v. Parker Seal Co.	1394

Affirmative Action Programs

Jansen v. City of Cincinnati [48,604]	1361
---	------

Civil Service

Anonymous Fireman v. City of Willoughby	226
---	-----

Collective Bargaining Agreements

Blount v. Local Union 25 [48,768]	1607
---	------

♦ Violations

Konarske v. Ford Motor Co. [48,494]	934
Morrow v. General Motors Corp. [48,197]	434

Fair Labor Standards Act

Kelley v. Alamo	690
Secrist v. Developmental Servs. of Tulsa	227

Grievance Procedures

Morrow v. General Motors Corp. [48,197]	434
---	-----

Labor Management Relations Act

Konarske v. Ford Motor Co. [48,494]	934
---	-----

♦ Union Violations

Blount v. Local Union 25 [48,768]	1607
---	------

Occupational Safety**♦ Retaliatory Discharge**

German Auto Parts, Inc. v. Bureau of Labor & Indus.	465
---	-----

Plant Closings

Kildea v. Electro Wire Products	840
---	-----

Psychological Examinations

Langer v. Employment Div.	360
-----------------------------------	-----

Termination

Bush v. Commonwealth Edison Co.	226
Groves v. Goodyear Tire & Rubber Co.	572
Teahan v. Metro-North Commuter R.R. Co.	225

♦ At-Will Terminations

Pearson v. Hope Lumber & Supply Co., Inc.	226
Rothwell v. Wetterau, Inc.	227

♦ Limitations

Katzer v. Baldor Elec. Co.	967
Winkley v. Bristol-Myers Squibb Co.	967

♦ Due Process

Hunt v. Chicago Hous. Auth. [47,919]	190
--	-----

♦ Retaliatory Discharge

Addison v. Sedco Forex, U.S.A.	1524
Cahill v. Frank's Door & Bldg. Supply Co.	226
German Auto Parts, Inc. v. Bureau of Labor & Indus.	465
Manning v. Cigna Corp.	1628
Rivera v. Saffold [48,712]	1803

♦ Wage Claims

Guerrero v. Horn [48,012]	811
-------------------------------------	-----

♦ Wrongful Discharge

Hunt v. Chicago Hous. Auth. [47,919]	190
Rothwell v. Wetterau, Inc.	227
Tanberg v. Weld County Sheriff	572

Unfair labor Practice

Leach v. Johnston [48,676]	1502
--------------------------------------	------

Unions

Anonymous Fireman v. City of Willoughby	226
Local 327, Int'l Union v. Proper [47,991]	191

♦ Duty of Fair Representation

Blount v. Local Union 25 [48,768]	1607
Konarske v. Ford Motor Co. [48,494]	934
Morrow v. General Motors Corp. [48,197]	434

♦ Elections**♦ Representation**

McClure v. International Union, UAW [48,351]	810
--	-----

EMPLOYMENT DISCRIMINATION

Bennett v. Jett	840
---------------------------	-----

Adverse Impact♦ **Grooming Code**

University of Maryland v. Boyd	1394
--	------

♦ **Hiring Practices**

Anderson v. Douglas & Lomason Co. [48,357]	810
---	-----

Affirmative Action Programs♦ **Hiring Quotas**

Tye v. City of Cincinnati	967
-------------------------------------	-----

♦ **Noncompliance**

Tye v. City of Cincinnati	967
-------------------------------------	-----

♦ **Racial Quotas**

Jansen v. City of Cincinnati [48,604]	1361
---	------

♦ **Reverse Discrimination**

Jansen v. City of Cincinnati [48,604]	1361
---	------

Age Discrimination

Colantuoni v. Macomber	1628
Harter v. GAF Corp.	839
Stout v. International Business Mach. Corp.	1524

Age Discrimination in Employment Act

Glass v. IDS Fin. Servs., Inc.	1523
Harris v. Board of Educ. of Columbus, Ohio	1524
Petrelli v. City of Mount Vernon	1394
Vega v. Kodak Caribbean, Ltd.	1628

♦ **Attorney Fees**

Gray v. Phillips Petroleum Co.	961
--	-----

♦ **Damages**

Buffington v. Phelps Dodge Mining Co.	1524
---	------

Discharge

Zaken v. Boerer	839
---------------------------	-----

EEOC♦ **Timely Filing**

Petrelli v. City of Mount Vernon	1394
--	------

Failure to Promote

Graham v. Bodine Elec. Co.	226
------------------------------------	-----

♦ **Statistical Proof**♦ **Discrimination**

Partee v. Metropolitan Sch. Dist. of Washington Township	352
---	-----

Handicapped Persons

Beck v. Interstate Brands Corp.	226
Doe v. Boeing Co.	227
Doe v. District of Columbia	1394
Dunlap, Petition of, <i>In re</i>	465
Guice-Mills v. Derwinski	839
Harris v. Board of Educ. of Columbus, Ohio	1524
Katzer v. Baldor Elec. Co.	967
Kent v. Derwinski	687
Langon v. HHS [48,039]	323
Rose City Oil Co. v. Missouri Comm'n on Human Rights	841
Rothwell v. Wetterau, Inc.	227
Teahan v. Metro-North Commuter R.R. Co.	225
University of Maryland v. Boyd	1394
Welsh v. City of Tulsa, Okla.	1523

Hiring and Promotion♦ **Racial Discrimination**

Harvard Law School Coalition for Civil Rights v. President & Fellows of Harvard College	840
---	-----

♦ **Sex Discrimination**

Harvard Law School Coalition for Civil Rights v. President & Fellows of Harvard College	840
---	-----

Prima Facie Showing

Rose City Oil Co. v. Missouri Comm'n on Human Rights	841
---	-----

Private Right of Action

Katzer v. Baldor Elec. Co.	967
Kerrigan v. Magnum Entertainment, Inc. [48,563]	1361

Racial

Anderson v. Douglas & Lomason Co. [48,357]	810
Bennett v. Arrington [48,359]	809
Bush v. Commonwealth Edison Co.	226

Colantuoni v. Macomber	1628
Graham v. Bodine Elec. Co.	226
Harris v. Board of Educ. of Columbus, Ohio	1524
Johnson v. United States Elevator Corp.	226
O'Donnell Constr. Co. v. District of Columbia	689
On-Line Fin. Servs. v. Dep't of Human Rights	690
Stout v. International Business Mach. Corp.	1524
Tate v. Browning-Ferris, Inc.	967

Refusal to Hire

Cahill v. Frank's Door & Bldg. Supply Co.	226
---	-----

Remedies

Johnson v. United States Elevator Corp.	226
---	-----

♦ **Compensatory Damages**

Brown v. Amoco Oil Co.	967
Gino's Pizza of West Hamlin v. West Va. Human Rights Comm'n	840
Sussman v. Salem, Saxon & Nielsen, P.A.	840

♦ **Punitive Damages**

Brown v. Amoco Oil Co.	967
Sussman v. Salem, Saxon & Nielsen, P.A.	840

Retaliation

Anderson v. Douglas & Lomason Co. [48,357]	810
Bush v. Commonwealth Edison Co.	226
Colantuoni v. Macomber	1628
German Auto Parts, Inc. v. Bureau of Labor & Indus.	465
Mountain Clay v. Comm'n on Human Rights	841
Rowe v. Sullivan	840
Tate v. Browning-Ferris, Inc.	967

Sex Discrimination

Doe v. Boeing Co.	227
---------------------------	-----

♦ **Equal Pay Act**

Valdez v. San Antonio Chamber of Commerce	1393
--	------

♦ **Harassment**

Gino's Pizza of West Hamlin v. West Va. Human Rights Comm'n	840
--	-----

Hansel v. Public Serv. Co. of Colo.	226
Knudson v. Pierce Publications [48,289]	660
Manning v. Cigna Corp.	1628
Morris v. American Nat'l Can Corp.	225
Sussman v. Salem, Saxon & Nielsen, P.A.	840
Syndex Corp. v. Dean	227

♦ **Pregnancy**

Kerrigan v. Magnum Entertainment, Inc. [48,563]	1361
Sussman v. Salem, Saxon & Nielsen, P.A.	840
Zaken v. Boerer	839

Title VII

Brown v. Amoco Oil Co.	967
Huey v. Sullivan	1389
Rowe v. Sullivan	840
Valdez v. San Antonio Chamber of Commerce	1393

♦ **Jurisdictional Requirements**

United States v. Board of Educ. of Township of Piscataway	1524
--	------

♦ **Prima Facie Showing**

Hansel v. Public Serv. Co. of Colo.	226
University of Maryland v. Boyd	1394

ENERGY> *See also* PUBLIC UTILITIES**Low-Income Home Energy
Assistance Act**♦ **Assistance to Renters**

Cabinet for Human Resources Ky. v. Northern Ky. Welfare Rights Ass'n [46,422]	361
--	-----

ENVIRONMENTAL LAW> *See also* MIGRANTS**Hazardous Waste**

Shockley v. Hoechst Celanese Corp.	968
--	-----

Nuclear Energy

Department of Energy v. Ohio	352
--	-----

Water Pollution

Department of Energy v. Ohio	352
--	-----

- ♦ **Control**
- Mattoon v. City of Pittsfield 1628

EQUAL PROTECTION

- > **See also CIVIL RIGHTS**
- Jacobs v. Barr [48,041] 319

Fundamental Rights

- ♦ **Right of Interstate Travel**
- Jones v. Milwaukee County [44,197] 565
- ♦ **Vital Benefits**
- ♦ **Eligibility**
- Turpin, *In re* [44,994] 561
- ♦ **Welfare**
- Thornton v. Sullivan [48,171] 448

Non-Residents

- Del Monte v. Wilson 239

Racial Discrimination

- Kensington Joint Action Council v. Fidelity Bank [48,178] 431

Traditional Standards

- ♦ **Reasonableness**
- Apartment Ass'n of Los Angeles County v. City of Los Angeles [48,497] . . . 945

EVIDENCE

- > **See also CIVIL PROCEDURE, CRIMINAL LAW AND PROCEDURE**

Administrative Adjudications

- ♦ **Evaluation of Evidence**
- Johnson v. United States Textiles Corp. 360

Burden of Proof

- Peyton v. Reynolds Assocs. [47,920] 196

Administrative Proceedings

- Freeman United Coal Mining Co. v. Anderson 1395
- Muniz v. Sullivan 349

Allocation

- P., D.S., *In re* 356

Hearsay

- ♦ **Medical Diagnosis or Treatment**
- Syndex Corp. v. Dean 227

Improperly Obtained Evidence

- ♦ **Exclusionary Rule**
- ♦ **Applicability**
- B., L.C., the Mental Health of, *In re* 694

Relevance

- H., D.A., *In re* 230

FOOD PROGRAMS

Food Stamp Program

♦ Administration

Robertson v. Jackson [46,604] 660

♦ Administrative Error

Lightbody v. Madigan [48,661] 1362

W., *In re* [48,606] 1363

♦ Aliens

Aziz v. Sullivan [47,558] 1498

Velez v. Coler 1525

♦ Applications

Hill v. Bechtel 841

Southside Welfare Rights Org. v. Stangler
[46,342] 1608

♦ Prompt Processing

Alexander v. Department of Health &
Rehabilitative Servs. 227Doyle v. Texas Dep't of Human Servs.
[48,657] 1364

Franklin v. Kelly [46,308] 1362

Freeman v. Texas Dep't of Human
Servs. [48,656] 1364

Grycza v. Burchett [48,183] 454, 831

Johnson v. Dickson [48,537] 934

Lazzazero, *In re* [48,582] 1363

Robertson v. Jackson [46,604] 660

♦ Assets

Reynolds, *In re* [48,469] 811

♦ Benefits

Madigan v. Johnson [46,874] 328, 661

♦ Considered Income

St. Amour v. Dep't of Social Welfare 572

Stearns, *In re* [47,824] 191

♦ Co-Residents

Shedrick v. Department of Social
Welfare [45,843] 661

♦ Disaster Relief

Deloney v. Madigan [48,216] 550, 1482

♦ Eligibility

Mary, *In re* [48,548] 938

♦ Emergency Assistance

Deloney v. Madigan [48,216] 550, 1482

♦ Expedited Issuance

Franklin v. Kelly [46,308] 1362

Johnson v. Madigan [46,874] 328

Hill v. Bechtel 841

Lazzazero, *In re* [48,582] 1363

Madigan v. Johnson [46,874] 661

Southside Welfare Rights Org. v. Stangler
[46,342] 1608

♦ Fraud

King, *In re* [48,767] 1608

Ocasio v. City of Lawrence [44,869] 572

♦ Hearings

W., *In re* [48,606] 1363

♦ Household Definition

Hadley, *In re* [47,855] 218Lilly v. North Carolina Dep't of Human
Resources [48,029] 191

Wright v. Miller [47,752] 329

Zayas v. Department of Health &
Rehabilitative Servs. 690

♦ Immediate Issuance

Johnson v. Dickson [48,537] 934

♦ Income Deductions

Stearns, *In re* [47,824] 191

♦ Available Income

F., *In re* [48,464] 811Maryland Dep't of Human Resources v.
United States Dep't of Agric.
[39,569] 1395

♦ Child Support Payments

Stevens v. Jackson 1525

♦ Computation of Income

Carpenter v. North Carolina Dep't of Human
Resources [48,525] 935F., *In re* [48,464] 811

Hamilton v. Madigan [43,557] 327, 690

Maryland Dep't of Human Resources v.
United States Dep't of Agric.
[39,569] 1395Shedrick v. Department of Social Welfare
[45,843] 661

St. Amour v. Dep't of Social Welfare 572

St. Amour v. Vermont Dep't of Social
Welfare [48,337] 661

West v. Sullivan [44,143]	1394
♦ HUD Subsidies	
Baum v. Madigan [43,474]	1489
♦ Separate Households	
Lilly v. North Carolina Dep't of Human Resources [48,029]	191
♦ Notices	
Hill v. Bechtel	841
Jones v. Gregg [48,485]	934
♦ Eligibility	
Franklin v. Kelly [46,308]	1362
♦ Hearings	
Norris v. Canino-Siegest [48,126]	451
W., <i>In re</i> [48,606]	1363
♦ Overpayments	
Howard, <i>In re</i> [48,682]	1516
James v. Madigan [48,139]	434, 1361
Lightbody v. Madigan [48,661]	1362
Norris v. Canino-Siegest [48,126]	451
Tackett v. Cowherd [48,659]	1363
Vang v. Healy [48,562]	1355
Velez v. Coler	1525
W., <i>In re</i> [48,606]	1363
♦ Prompt Processing	
Darts v. Ibarra [48,098]	342
Franklin v. Kelly [46,308]	1362
Jones v. Gregg [48,485]	934
♦ Recertification	
Jones v. Gregg [48,485]	934
♦ Recoupment	
James v. Madigan [48,139]	434, 1361
Vang v. Healy [48,562]	1355
♦ Reduction of Benefits	
Davis v. Griswold [48,579]	1385
Hamilton v. Yeutter [43,557]	327
James v. Madigan [48,139]	434, 1361
West v. Sullivan [44,143]	1394
♦ Increased Income	
Stevens v. Jackson	1525
♦ Regulations	
Madigan v. Johnson [46,874]	328, 661

♦ Compliance	
Davis v. Rubin	572
♦ Promulgation	
St. Amour v. Vermont Dep't of Social Welfare [48,337]	661
♦ Reimbursement	
Lightbody v. Madigan [48,661]	1362
♦ Retroactive Benefits	
Alexander v. Department of Health & Rehabilitative Servs.	227
Cronen v. Texas Dep't of Human Servs.	1524
♦ SSI-SSA Recipient Eligibility	
Doyle v. Texas Dep't of Human Servs. [48,657]	1364
Freeman v. Texas Dep't of Human Servs. [48,656]	1364
♦ Termination	
Hamilton v. Yeutter [43,557]	327
Jones v. Gregg [48,485]	934
King, <i>In re</i> [48,767]	1608
♦ Hearings	
Brown v. Kelly [47,460]	216
Davis v. Rubin	572
♦ Verification of Information	
Lazzazero, <i>In re</i> [48,582]	1363

FREEDOM OF INFORMATION

State Acts

♦ **Records**♦ **Access**

Cuevas v. Popolizio [47,004]	1495
--	------

GARNISHMENT

> **See also CONSUMER**

Exemptions

Accounts Management, Inc. v. Williams	686
Becker County Human Servs. v. Peppel [48,247]	675
Cameron v. Hughes	350
Jacobson v. Johnson	1391
Sears, Roebuck & Co. v. Harris [48,088]	321

♦ **Federal Benefits**

- Tennessee *ex rel.* Dep't of Human Servs. v.
Basler [47,064] 186

Procedures

- Jacobson v. Johnson 1391

Retirement Benefits♦ **Child Support Debt**

- Weeks v. Weeks 351

Wage Assignment

- Renaud v. Commissioner, Me. Dep't of
Human Servs. [48,568] 1359

Wages

- Roberts v. Carraway Methodist
Medical Center 222

♦ **Spouses**♦ **Child Support**

- McCall v. McCall 569
Renaud v. Commissioner, Me. Dep't of
Human Servs. [48,568] 1359

GOVERNMENT> **See also MUNICIPAL-GOVERNMENT SERVICES****Liability**

- Harrison v. Burrowes Bridge Constructors . . . 1626

♦ **Police Officials**

- Roy v. City of Everett 223

HANDICAPPED PERSONS> **See DISABILITY, EDUCATION, MENTAL HEALTH****HEALTH**> **See also HILL-BURTON ACT, MEDICAID, MEDICAL ASSISTANCE PROGRAMS, MEDICARE, MENTAL HEALTH****AIDS**

- Anonymous Fireman v. City of Willoughby . . . 226
Beck v. Interstate Brands Corp. 226
Doe v. District of Columbia 1394
Doe v. Washington Univ. 353

General Considerations for Clinical

- Evaluation of Drugs, *In re* [48,736] 1492
Langston v. Leavitt [48,642] 1366, 1609
Moore v. Mabus 1400
Nolley v. County of Erie 1532
Rose City Oil Co. v. Missouri Comm'n on
Human Rights 841
Stewart B. McKinney Found. v. Town
Plan & Zoning Comm'n of Fairfield,
Conn. [48,093] 323, 547
Tanberg v. Weld County Sheriff 572

Alcoholism

- Scott v. United States 1390

♦ **Treatment**

- Wolf, *In re* 845

Drug Abuse

- Wolf, *In re* 845

♦ **Methadone Treatment**

- Cushing v. Moore 968

♦ **Right to Treatment**

- Cushing v. Moore 968

Drugs

- General Considerations for Clinical
Evaluation of Drugs, *In re* [48,736] 1492
Langston v. Leavitt [48,642] 1366

Health Care Systems

- McMillan v. McCrimon [48,234] 500, 812

Hospitals♦ **Access**♦ **Indigents**

- HCA Health Servs. of Indiana, Inc. v.
Gregory 969

♦ **Charity Care**

- County Dep't of Pub. Welfare of
Vanderburgh County v. Deaconess
Hosp. 466

♦ **Collection Practices**

- Doe v. H.C.A. Health Servs. of Tenn.
[48,393] 813
Massachusetts Hosp. Ass'n v. Department
of Medical Sec. 466

Richmond Memorial Hosp. v. Adkins [48,545]	937
♦ Costs	
Doe v. H.C.A. Health Servs. of Tenn. [48,393]	813
♦ Emergency Assistance	
HCA Health Servs. of Indiana, Inc. v. Gregory	969
McIntyre v. Schick	1396
Walizer v. Dep't of Pub. Welfare	1396
♦ Negligence	
McIntyre v. Schick	1396
♦ Patients' Rights	
Heichelbech v. Evans [48,688]	1501
♦ Reimbursement	
♦ Limitations	
County Dep't of Pub. Welfare of Vanderburgh County v. Deaconess Hosp.	466
Massachusetts Hosp. Ass'n v. Department of Medical Sec.	466
♦ Transfers	
HCA Health Servs. of Indiana, Inc. v. Gregory	969
Lead Poisoning	
Atlantic Mut. Ins. Co. v. McFadden	843
City of New York v. Lead Inds. Ass'n [47,850]	336
Ellis v. Wetherbee [48,639]	1365
New York City Coalition to End Lead Poisoning v. Koch [39,406]	199
Life-Sustaining Treatment	
A., C., <i>In re</i>	1527
McInnis, Guardianship of, <i>In re</i>	228
Pearson, <i>In re</i> [48,668]	1491
♦ Nutrition and Hydration	
Beth, <i>In re</i>	353
Busalacchi, <i>In re</i> [46,370]	1491
Crum, Guardianship of, <i>In re</i>	228
W., L., Guardianship of, <i>In re</i>	466

Minors

Arizona Dep't of Economic Sec. v. Superior Court	844
---	-----

Nursing Homes

Hyman, <i>In re</i> [48,267]	667
Valdivia v. California Dep't of Health Servs. [45,464]	662

♦ **Abuse of Residents**

Ottis v. Sullivan [48,306]	664
--------------------------------------	-----

♦ **Adequacy of Care**

Ottis v. Sullivan [48,306]	664
--------------------------------------	-----

♦ **Admissions**

Harrison, <i>In re</i> [48,716]	1487
Pololsky v. National Medical Enters. [48,003]	195

♦ **Certification**

Ottis v. Sullivan [48,306]	664
--------------------------------------	-----

♦ **Conditions**

Ottis v. Sullivan [48,306]	664
--------------------------------------	-----

♦ **Contracts for Care**

Podolsky v. National Medical Enters. [48,003]	195
--	-----

♦ **Costs**

Kansas Health Care Ass'n v. Kansas Dep't of Social & Rehabilitation Servs. . .	465
---	-----

♦ **Discharge**

Brown, <i>In re</i> [48,266]	667
Miller v. Massachusetts Dep't of Pub. Health [48,106]	331
Nicholas v. St. Luke Ctr. of Hyde Park	1526
Reed, <i>In re</i> [48,654]	1367
Teimer, <i>In re</i> [48,653]	1367

♦ **Patients' Rights**

Michaluk, <i>In re</i> [48,697]	1492
NME Properties, Inc. v. McCullough	228
Richardson v. Snider [47,826]	193

♦ **Personal Services**

Richardson v. Snider [47,826]	193
---	-----

♦ **Regulation of**

Richardson v. Snider [47,826]	193
---	-----

♦ Relocation

♦ Plan

Pearson, *In re* [48,764] 1613

♦ Transfers

Miller v. Massachusetts Dep't of Pub.
Health [48,106] 331

Reed, *In re* [48,654] 1367

Teimer, *In re* [48,653] 1367

♦ Level-of-Care Changes

Phillips v. Manor Healthcare Corp. [48,179] . . 435

♦ Notice

Baxter, *In re* [48,296] 668

Michaluk, *In re* [48,697] 1492

Pearson, *In re* [48,764] 1613

Phillips v. Manor Healthcare Corp. [48,179] . . 435

♦ Transfer Trauma

Baxter, *In re* [48,296] 668

Phillips v. Manor Healthcare Corp. [48,179] . . 435

Right to Treatment

Busalacchi, *In re* [46,370] 1491

Genthner v. Kimberly Quality Care [47,284] . . 1366

Goebel v. Colorado Dep't of Insts. [39,426] . . 694

Water Contamination

Mattoon v. City of Pittsfield 1628

HILL-BURTON ACT

> See also HEALTH, MEDICAID, MEDICAL ASSISTANCE PROGRAMS, MEDICARE

Uncompensated Care

Flagstaff Medical Center v. Sullivan [44,758] 690

HOUSING

> See also RELOCATION, ZONING

Woods v. Executive Office of Communities & Dev. 229

Condemnation and Eminent Domain

♦ Relocation Assistance

Brown v. City of North Charleston, S.C. [48,254] 670

Condominium Conversion

♦ Senior Citizens

Ellin Corp. v. North Bergen Township [44,464] 358

Construction

♦ Low- to Moderate-Income Housing

Harris v. County of Madera [48,732] 1494

♦ Site Selection

Jackson v. Okaloosa County, Fla. [48,543] . . 1370

Demolition

Parker v. Kemp [48,571] 1371

Discrimination

People Helpers, Inc. v. City of Richmond . . . 692

Peyton v. Reynolds Assocs. [47,920] 354

San Mateo County Coastal Landowner's
Ass'n v. County of San Mateo [47,978] . . 207

♦ Approval of Low-Income Housing

Harris v. County of Madera [48,732] 1494

Woodman v. Quincy Hous. Auth. [48,278] . . 670

♦ Fair Housing

Bangerter v. Oren City Corp. 1399

Baumgardner v. Secretary of HUD 573

Easter Seal Soc'y of N.J. v. Township of
N. Bergen 1397

Massaro v. Mainlands Section 1 & 2
Civic Ass'n 1396

Metropolitan Dade County v. Mitagstein
[48,628] 1372

People Helpers Found., Inc. v. City of
Richmond 229

Rogers v. Windmill Pointe Village Club
Ass'n 843

Seniors Civil Liberties Ass'n v. Kemp
[47,228] 843

Steptoe v. Saving of Am. 1527

United States v. Dana Properties, Inc.
[47,987] 204

United States v. Village of Marshall, Wis. . . . 573

♦ City Rejection

Elliott v. City of Athens, Ga. 573

Horizon Hous. Dev. Servs. v. Township of
Upper Southampton [45,191] 806

Marbrunak, Inc. v. City of Stow, Ohio [47,223]	1396
♦ Handicapped Persons	
Anderson v. Collis [48,693]	1486
Blackwell v. City of Hendersonville, N.C. [48,217]	555
Easter Seal Soc'y of N.J. v. Township of N. Bergen	1397
Lloyd v. Housing Auth. of Kirksville, Mo. [48,658]	1371
Mains Farm Homeowners Ass'n v. Worthington	229
Marbrunak, Inc. v. City of Stow, Ohio [47,223]	1396
Michigan Protection & Advocacy Servs., Inc. v. Babin	1397
Oxford House, Inc. v. Township of Cherry Hill	1397
Roe v. Sugar River Mills Assocs. [48,483]	939
T. v. Housing Auth. of Borough of Princeton [47,114]	1614
United States v. Southern Management Corp. [46,158]	333
Vesterstein v. Branley [48,133]	442
Williams v. Housing Auth. of San Francisco [47,982]	197
♦ Low-Income Housing Site Selection	
♦ Minority Developments	
Jackson v. Okaloosa County, Fla. [48,543]	1370
♦ Racial Discrimination	
Biggs v. Missouri Comm'n on Human Rights	843
Darby v. Heather Ridge	1630
Hollman v. Kemp [48,294]	668
Indiana Civil Rights Comm'n v. Wellington Village Apartments	694
Littlefield v. McGuffey	354
Miller v. Towne Oaks E. Apartments	1399
Rodgers v. Brawley [48,066]	337
Rodriguez v. Gattuso	1397
Steptoe v. Saving of Am.	1527
Ward v. Harte	971
♦ Single Parent	
J. Bar J. Traller Ranch v. Navarro [48,511]	947

Emergency Assistance

Berrios v. Department of Pub. Welfare	229
Washington Legal Clinic for the Homeless v. Kelly [48,411]	815

♦ **Shelters**

Camper v. Goode [48,168]	438
Community for Creative Nonviolence v. Unknown Agents of the U.S. Marshals Serv. [47,798]	692
Lubold v. Snider [48,774]	1615

Farmers Home Administration

Delmarva Rural Ministries, <i>In re</i> [47,854]	201
--	-----

♦ **Elderly Housing Programs**

Hillside Apartments, <i>In re</i> [48,734]	1496
Meehan v. Madigan [47,156]	198

♦ **FmHA Homeownership Programs**♦ **Administrative Appeals Procedure**

Lavertue v. Madigan [48,726]	1494
--	------

♦ **Default in Mortgage**

Emery, <i>In re</i> [48,722]	1496
--	------

♦ **Moratorium Relief**

Emery, <i>In re</i> [48,722]	1496
Lavertue v. Madigan [48,726]	1494

♦ **FmHA Rental Housing Program**

Hillside Apartments, <i>In re</i> [48,734]	1496
--	------

♦ **Evictions**

Catahoula Apartments Partnership v. Jones	229
Hussion v. Madigan	221
Meehan v. Madigan [47,156]	198

Federal Housing Programs

Committee for Fairness v. Kemp [42,695]	333
Lloyd v. Housing Auth. of Kirksville, Mo. [48,658]	1371
McClinton v. Kemp [47,723]	553
Medley v. City of Milwaukee	969

♦ **Admissions**

Porter v. Sam J. Stone B'nai B'rith Covenant House of Peoria [48,164]	438
--	-----

♦ **Requirements**

Hanson v. HUD [48,473]	815
----------------------------------	-----

♦ Selection Procedures	
Edwards v. Kemp	1397
♦ Substantive Selection Policies	
Williams v. Marchman [48,613]	1369
♦ Conveyance of Property to HUD	
Carpenter-Taylor v. Kemp [47,723]	1493
♦ Evictions	
Brown v. Philadelphia Hous. Auth. (<i>In re Brown</i>) [48,791]	1614
Diggs, <i>In re</i> [48,114]	428
Eichelt v. Community Dev. Auth. of Janesville, Wis. [48,177]	439, 816
Richmond Tenants Org. v. Kemp [45,826]	196
Richmond Tenants Org. v. Kemp [45,826]	543
♦ Grounds	
Calloway v. Kanawha County Hous. & Redevelopment Auth. [47,996]	199
Irizarry v. Springfield Hous. Auth. [48,136]	442
McConnellsville Assocs. v. Gladden [48,546]	943
Metropolitan Dade County v. Mitagstein [48,628]	1372
Vesterstein v. Branley [48,133]	442
♦ Procedures	
Irizarry v. Springfield Hous. Auth. [48,136]	442
♦ Good Cause	
Vesterstein v. Branley [48,133]	442
♦ Notice	
Calloway v. Kanawha County Hous. & Redevelopment Auth. [47,996]	199
Housing Auth. of Bangor v. Rogers [48,203]	555
HUD v. Robinson	970
Metropolitan Dade County v. Brownlee [48,153]	440
Metropolitan Dade County v. Florence [48,632]	1373
Metropolitan Dade County v. Raines	669
Metropolitan Dade County v. Smith [48,152]	440
Metropolitan Dade County v. Thompson [48,156]	441
Metropolitan Dade County v. Walker [48,154]	440
Whitaker v. Clementon Hous. Auth.	573
♦ Grievance Procedure	
♦ Hearings	
Calloway v. Kanawha County Hous. & Redevelopment Auth. [47,996]	199
Irizarry v. Springfield Hous. Auth. [48,136]	442
♦ HUD-Insured Mortgages	
Bridges v. Kemp [48,633]	1370
Neal v. HUD [48,505]	940
♦ Assignment Program	
Edwards v. Kemp	1397
Ortiz v. Milburn [47,331]	437
♦ Leases	
♦ Unreasonable Provisions	
Hobson Grove Apartments v. Edmonds [47,764]	335
♦ Loss of Units	
♦ Disposition by HUD	
Parker v. Kemp [48,571]	1371
♦ Foreclosure of Mortgage	
Ortiz v. Milburn [47,331]	437
♦ Repairs and Renovations Reducing Size or Number of Units	
Boles v. Kemp [48,246]	554
♦ Management	
Armentrout v. NHP Property Management [48,539]	944
Smith v. Washington Heights Apartments, Ltd. [46,482]	969
♦ Failure to Make Repairs	
Libke v. Kemp [48,072]	334
♦ Rent	
Derrick v. Kemp [44,516]	669
St. Germain v. PROMAC, Inc. [48,519]	943
♦ Supplement Program	
Eichelt v. Community Dev. Auth. of Janesville, Wis. [48,177]	439, 816
Whitaker v. Clementon Hous. Auth.	573
♦ Repairs	
♦ Failure to Make Repairs	
Boles v. Kemp [48,246]	554

♦ **Section 202**

- Porter v. Sam J. Stone B'nai B'rith Covenant
House of Peoria [48,164] 438

♦ **Section 221(d) (3)**

- Indiana Terrace Tenants Org. v. Graham
[48,132] 437

♦ **Section 236**

- Armentrout v. NHP Property Management
[48,539] 944
Morey v. Highwood Assocs. [48,103] 324

♦ **Security**

- Armentrout v. NHP Property Management
[48,539] 944

♦ **Utilities**

- Rodriguez v. Cuomo 228

♦ **Utility Allowance**

- Baum v. Madigan [43,474] 1489

Homeless

- Benavidez v. City of Reno, Nev. [48,467] 816
Berrios v. Department of Pub. Welfare 229
Bosse v. Duvall [47,977] 200
Camper v. Goode [48,168] 438
Coalition for the Homeless v. Jensen
[48,624] 1360
Community for Creative Nonviolence v.
Unknown Agents of the United
States Marshals Serv.
[47,798] 180, 692, 1391
Goodwin v. Phelps [46,334] 831
Harris v. County of Madera [48,732] 1494
Kreimer v. Bureau of Police for Town of
Morristown [46,984] 457
Loper v. New York City Police Dep't 1527
M. v. Muether [48,108] 338
Mapes v. County of Washoe, Nev.
[48,472] 830
National Law Ctr. on Homelessness &
Poverty v. VA 437, 1388
Pottinger v. Miami, Fla. [48,663] 1370
S. v. Governor of Mass. [46,924] 318
Salazar v. Edwards [48,264] 658
San Francisco Coalition on Homelessness
v. City & County of San Francisco
[46,876] 335

- Washington Legal Clinic for the Homeless v.
Kelly [48,411] 815
Washington State Coalition for the Homeless v.
Department of Social & Health Servs.
[47,062] 818

Homesteading

- Robinson v. Thayer [48,741] 1506

Housing and Community Development Act

- Peyton v. Reynolds Assocs. [47,920] 354

Landlord-Tenant♦ **Charges and Fees**

- Hobson Grove Apartments v. Edmonds
[47,764] 335

♦ **Code Violations**

- Citaramanis v. Hallowell [48,303] 1375
Dade Property Management v. Gonzalez
[48,502] 947
Edol Corp. v. Cabrera [48,522] 947
Kenyon v. Regan [45,482] 205
New York City Coalition to End Lead
Poisoning v. Koch [39,406] 199
Qi Shu Chen v. Ong [46,589] 941

♦ **Condemnation**♦ **Relocation**

- Salazar v. Maradeaga [48,501] 946

♦ **Defense to Eviction**

- Salazar v. Maradeaga [48,501] 946

♦ **Enforcement**

- Crawley v. Bachan [48,558] 1617, 1376

♦ **Refusal to Correct**

- Ortiz v. Laws [47,827] 179
Rodriguez v. Cziment [48,011] 206

♦ **Rent Withholding**

- Crawley v. Bachan [48,558] 617, 1376

♦ **Rental of Condemned Housing**

- Flatford v. City of Monroe, Mich.
[46,381] 197, 668

♦ **Standing to Challenge**

- Rodriguez v. Cziment [48,011] 206

♦ **Consumer Protection Act**♦ **Applicability of**

Citaramanis v. Hallowell [48,303]	671
---	-----

♦ **Discrimination**♦ **Fair Housing**

Balkissoon v. Williams [47,822]	205
Baumgardner v. Secretary of HUD	573
Rodgers v. Brawley [48,066]	337
Rodriguez v. Gattuso	1397
United States v. Dana Properties, Inc. [47,987]	204
Ward v. Harte	971

♦ **Racial**

Darby v. Heather Ridge	1630
Ward v. Harte	971
Cato v. Jilek	231
Miller v. Towne Oaks E. Apartments	1399
Rodriguez v. Gattuso	1397

♦ **Tenants with Children**

Balkissoon v. Williams [47,822]	205
Brosseau v. Green Acres Mobile Homes	972
Massaro v. Mainlands Section 1 & 2 Civic Ass'n	1396

♦ **Welfare Recipients**

Spencer v. D & B Investments [48,082]	337
---	-----

♦ **Evictions**

Apartment Ass'n of Greater Los Angeles v. Lungren [48,416]	804
B., <i>In re</i> [48,401]	806
K., <i>In re</i> [48,402]	806
U.D. Registry v. California [48,414]	804

♦ **Abandonment**

Crawley v. Bachan [48,558]	1376, 1617
--------------------------------------	------------

♦ **Affirmative Defenses**

Dade Property Management v. Gonzalez [48,502]	947
De Szunyogh v. William C. Smith & Co.	467
Edol Corp. v. Cabrera [48,522]	947
Izquierdo v. Morales [48,498]	946

♦ **Condemnation Proceedings**♦ **Relocation Assistance**

Salazar v. Maradeaga [48,501]	946
---	-----

♦ **Counterclaims**

M. v. R. [47,985]	205
-----------------------------	-----

♦ **Defenses**

Mazzarella v. McGinnes [48,368]	820
---	-----

♦ **Procedural Defenses**

Izquierdo v. Morales [48,498]	946
---	-----

Salazar v. Maradeaga [48,501]	946
---	-----

♦ **Notice of Right to Remedy Breach**

Dade Property Management v. Gonzalez [48,502]	1499
--	------

Housing Auth. of City of Norwalk v. Harris	1397
--	------

♦ **Retaliatory Eviction**

De Szunyogh v. William C. Smith & Co.	467
---	-----

Rivera v. Saffold [48,712]	1803
--------------------------------------	------

♦ **Late Payments**

Housing Auth. of Elgin v. Ellis	466
---	-----

Joseph v. Brown [48,699]	1500
------------------------------------	------

♦ **Liens on Household Goods**

Di Gerlando v. Little [48,518]	947
--	-----

♦ **Mobile Homes**

Dade Property Management v. Gonzalez [48,502]	947
--	-----

Edol Corp. v. Cabrera [48,522]	947
--	-----

Edol Corp. v. Cornejo [48,523]	947
--	-----

Soldal v. Cook County, Illinois	1390
---	------

♦ **Month-to Month Leases**

Dade Property Management v. Gonzalez [48,502]	1499
--	------

♦ **Notice**

Dade Property Management v. Gonzalez [48,502]	1499
--	------

Izquierdo v. Morales [48,498]	946
---	-----

Joseph v. Brown [48,699]	1500
------------------------------------	------

Service First Realty v. Sanon [48,157]	445
--	-----

♦ **Bilingual**

Estevez v. Olarte [47,853]	206
--------------------------------------	-----

♦ **Rent**♦ **Increases**

Village Assocs. v. Perez	353
------------------------------------	-----

♦ **Nonpayment of Rent**

Mazzarella v. McGinnes [48,368]	820
---	-----

♦ Residential Hotels		
Hutchinson v. Randall [48,567]	1376	
♦ Retaliatory		
Metropolitan Dade County v. Boone [48,631]	1373	
Pendleton v. Breneman [48,488]	948	
Qi Shu Chen v. Ong [48,589]	941	
♦ Self-Help		
♦ Lockout		
Carrasco v. Farkas [48,584]	1376	
♦ Settlement Agreements		
Carrasco v. Farkas [48,584]	1376	
♦ Tenants with Children		
Balkissoon v. Williams [47,822]	205	
♦ Late Charges		
Service First REalty v. Sanon [48,157]	445	
♦ Excessive Charges		
St. Germain v. PROMAC, Inc. [48,519]	943	
♦ Penalties		
St. Germain v. PROMAC, Inc. [48,519]	943	
♦ Lead Poisoning		
City of New York v. Lead Indus. Ass'n [47,850]	336	
♦ Leases		
♦ Breach		
Bischof v. Kern	834	
Liberty Manor v. Rinnels	971	
♦ Illegal Clauses		
Brosseau v. Green Acres Mobile Homes	972	
Houser v. Farrer [48,047]	337	
♦ Quiet Enjoyment		
Pendleton v. Breneman [48,488]	948	
♦ Rent		
♦ Abandonment		
Kenyon v. Regan [45,482]	205	
♦ Abatement		
♦ Deposits in Court		
Skillman v. Browne	467	
♦ Arrearages		
Houser v. Farrer [48,047]	337	
♦ Increases		
Eichelt v. Community Dev. Auth. of Janesville, Wis. [48,177]	439, 816	
♦ Lease Provisions		
Boshard v. Income Property Management [48,679]	1500	
♦ Unconscionability		
Boshard v. Income Property Management [48,679]	1500	
♦ Rebates		
Citaramanis v. Hallowell [48,303]	1375	
♦ Rent Control		
♦ Constitutionality		
Yee v. Escondido	354	
♦ Exemptions		
Heacock v. Rent Control Bd. of Cambridge	231	
♦ Ordinances		
Yee v. Escondido	354	
♦ Repairs		
♦ Landlord's Duty		
Crawley v. Bachan [48,558]	1376, 1617	
Plymouth Hous. Corp. v. Fields [48,540]	946	
Rodriguez v. Cziment [48,011]	206	
Walls v. Oxford Management Co. [48,484]	945	
♦ Residential Hotels		
♦ Eviction		
Hutchinson v. Randall [48,567]	1376	
Qi Shu Chen v. Ong [48,589]	941	
♦ Status of Tenants		
Hutchinson v. Randall [48,567]	1376	
♦ Summary Proceedings		
♦ Lack of		
Hutchinson v. Randall [48,567]	1376	
♦ Security Deposits		
♦ Interest		
Apartment Ass'n of Los Angeles County v. City of Los Angeles [48,497]	945	
♦ Return of		
Bischof v. Kern	834	
Cottle v. Butler	843	
♦ Burden of Proof		
Veliz v. Meehan	844	

♦ **Termination of Tenancy**♦ **Good Cause**

Village Assocs. v. Perez 353

♦ **Month-to-Month**

Cormier v. McRae 972

♦ **Notice**

Cormier v. McRae 972

Izquierdo v. Morales [48,498] 946

Joseph v. Brown [48,699] 1500

Manes v. Knapp [48,706] 1500

♦ **Torts**♦ **Harassment**

Pendleton v. Breneman [48,488] 948

♦ **Negligence**♦ **Landlord's Liability**

Plymouth Hous. Corp. v. Fields [48,540] 946

♦ **Utility Termination**

James v. St. Petersburg, Fla. [46,180] 1379

Pendleton v. Breneman [48,488] 948

♦ **By Landlord**

Houser v. Farrer [48,047] 337

♦ **By Utility Company**K., *In re* [48,402] 806♦ **Warranty of Habitability**

Kenyon v. Regan [45,482] 205

Qi Shu Chen v. Ong [46,589] 941

Walls v. Oxford Management Co. [48,484] 945

♦ **Lead Poisoning**

New York City Coalition to End Lead

Poisoning v. Koch [39,406] 199

Mobile Homes

Aldridge v. Ward [48,092] 339

Brosseau v. Green Acres Mobile Homes 972

Johnston v. American Reliable Ins. Co. 971

♦ **Breach of Lease**

J. Bar J. Trailer Ranch v. Navarro [48,511] 947

♦ **Taking of Property**

Yee v. Escondido 354

Mortgages

Byrd v. Brown [48,614] 1374

Steptoe v. Saving of Am. 1527

Williams v. Moyer [48,509] 928, 1485

♦ **Default**Meritor Mortgage Corp.-E. v. Henderson
[48,717] 1484♦ **Foreclosure**

Carpenter-Taylor v. Kemp [47,723] 1493

GMAC Mortgage of Pa. v. Gray [48,379] 816

Hebert v. Chase Home Mortgage Corp.
[48,739] 1495

Homebank, FSB v. Stephen [48,738] 1484

Jones v. Fleet Fin. Inc. of Ga. [47,942] 1358

McClinton v. Kemp [47,723] 553

♦ **Assignment of Mortgage**

Earsery v. Kemp [48,547] 939

♦ **Defenses**Meritor Mortgage Corp.-E. v. Henderson
[48,717] 1484

Palley v. Johnson [48,636] 1357

Standard Fed. Sav. Bank v. Tate [48,629] 1357

♦ **Truth in Lending Violations**

Indiana Fed. Credit Union v. Cox [48,109] 322

♦ **Sale**

Bridges v. Kemp [48,633] 1370

♦ **Unfair and Deceptive Practices**Rossi v. Gordon (*In re* Gordon) [48,603] 1354**National Housing Act**

Earsery v. Kemp [48,547] 939

Libke v. Kemp [48,072] 334

Property Taxes

Earsery v. Kemp [48,547] 939

Public Housing

Committee for Fairness v. Kemp [42,695] 333

Sullivan v. Syracuse Hous. Auth. 685

♦ **Administration**Henry v. Housing Auth. of Charleston, W. Va.
[48,064] 334♦ **Admissions**

Gomez v. Housing Auth. of City of El Paso 1629

Hanson v. HUD [48,473] 815

♦ **Procedural Protections**

Snyder v. Zanesville Metro. Hous. Auth. [48,369]	818
---	-----

♦ **Establishment of Policies**

Hudson v. Cincinnati Metro. Hous. Auth. [48,031]	198
---	-----

♦ **Informal Hearing on Rejection**

Bailey v. Rockford Hous. Auth. [48,187]	441
---	-----

♦ **Notice of Status**

Bueno v. Adams County Hous. Auth. [48,491]	939
---	-----

♦ **Reasons for Rejection**

Bailey v. Rockford Hous. Auth. [48,187]	441
Boccadoro v. New Bedford Hous. Auth. [48,544]	942

♦ **Standards**

Bailey v. Rockford Hous. Auth. [48,187]	441
Paris v. HUD [42,539]	1390

♦ **Minor's Eligibility**

Hudson v. Cincinnati Metro. Hous. Auth. [48,031]	198
Rivera v. Reading Hous. Auth. [48,789]	1615

♦ **Prior Evictions**

Beauchamp v. Aspen Square Management [48,495]	944
--	-----

♦ **Written Notice**

Boccadoro v. New Bedford Hous. Auth. [48,544]	942
--	-----

♦ **Discrimination**♦ **Assignment of Apartments**

Davis v. New York City Hous. Auth. [46,492]	554, 1494
United States v. New York City Hous. Auth. [48,243]	554

♦ **Handicapped Persons**

Boccadoro v. New Bedford Hous. Auth. [48,544]	942
Doe v. Housing Auth. of Providence, R.I. [48,772]	1616
Metropolitan Dade County v. Boone [48,631]	1373
T. v. Housing Auth. of Borough of Princeton [47,114]	1614
Vesterstein v. Branley [48,133]	442

Williams v. Housing Auth. of San Francisco [47,982]	197
Woodman v. Quincy Hous. Auth. [48,278] . . .	670

♦ **Racial**

Davis v. New York City Hous. Auth. [46,492]	554, 1494
Hollman v. Kemp [48,294]	668
Miller v. St. Michaels Hous. Auth. [47,069] . .	1493
United States v. New York City Hous. Auth. [48,243]	554

♦ **Site Selection**

Davis v. New York City Hous. Auth. [46,492]	554
Jackson v. Okaloosa County, Fla. [48,543] . .	1370
United States v. New York City Hous. Auth. [48,243]	554

♦ **Evictions**

Camper v. Goode [48,168]	438
Keeton v. Housing Auth. of Morgantown [47,997]	197
Simpson v. Greater Gadsden Hous. Auth. . . .	1528

♦ **Defenses**

Chavez v. Housing Auth. of City of El Paso . .	1396
Curry v. Metropolitan Dade County [48,752]	1493
J.P. III, Inc. v. Keokanya [48,671]	1374
Metropolitan Dade County v. Boone [48,631]	1373

♦ **Grounds**

Charleston Hous. Auth. v. Smith [48,413] . . .	816
Housing Auth. of City of Norwalk v. Harris . .	1397
Richmond Tenants Org. v. Kemp [45,826]	196
Wexford Ridge Assocs. v. Bankston [48,731]	1496

♦ **Damage to Property**

J.P. III, Inc. v. Keokanya [48,671]	1374
---	------

♦ **Late Payment of Rent**

Community Dev. Auth. of Madison v. Yoakum [47,833]	199
---	-----

♦ **Noise**

McConnelsville Assocs. v. Gladden [48,546] .	943
--	-----

♦ **Nonpayment of Rent**

Metropolitan Dade County v. Boone [48,631]	1373
---	------

New York City Hous. Auth. v. Green [48,503]	943	♦ <i>Requirements</i>	
Ross v. Metropolitan Dade County [48,192]	428	Banner v. Fall River Hous. Auth. [48,194] . . .	441
♦ <i>Undesirable Tenants</i>		Broward Gardens Assocs. v. Walker [48,559]	1372
Delaware State Hous. Auth. v. Sharp [48,514]	941	McConnelville Assocs. v. Gladden [48,546]	943
McConnelville Assocs. v. Gladden [48,546]	943	Metropolitan Dade County v. Brownlee [48,153]	440
Minneapolis Pub. Hous. Auth. v. Jivens [48,561]	1373	Metropolitan Dade County v. Raines	669
♦ <i>Visitors and Guests</i>		Metropolitan Dade County v. Smith [48,152]	440
Chavez v. Housing Auth. of City of El Paso . .	1396	Metropolitan Dade County v. Walker [48,154]	440
Miller v. St. Michaels Hous. Auth. [47,069] . .	1493	♦ <i>Excess Charges—Late Charges</i>	
Minneapolis Pub. Hous. Auth. v. Jivens [48,561]	1373	Community Dev. Auth. of Madison v. Yoakum [47,833]	199
Turner v. Chicago Hous. Auth. [45,851]	969	♦ <i>Grievance Procedure</i>	
♦ <i>Procedures</i>		Henry v. Housing Auth. of Charleston, W. Va. [48,064]	334
Miller v. St. Michaels Hous. Auth. [47,069] . .	1493	Whitt v. Philadelphia Hous. Auth. [48,288] . .	669
Portage Metro. Hous. Auth. v. Brown	229	Yesler Terrace Community Council v. Kemp [48,081]	334
Sims v. Kemp [46,372]	229	♦ <i>Lead Poisoning</i>	
Vialez v. New York City Hous. Auth.	354	Hurt v. Philadelphia Hous. Auth.	1629
Yesler Terrace Community Council v. Kemp [48,081]	334, 940, 1368	♦ <i>Leases</i>	
♦ <i>Access to Materials</i>		Ross v. Metropolitan Dade County [48,192]	428
Community Dev. Auth. of Madison v. Yoakum [47,833]	199	♦ <i>Conformity to Federal Regulations</i>	
♦ <i>Administrative Hearing</i>		Minneapolis Pub. Hous. Auth. v. Jivens [48,561]	1373
Delaware State Hous. Auth. v. Sharp [48,514]	941	♦ <i>Unconscionable Clauses</i>	
New York City Hous. Auth. v. Green [48,503]	943	Turner v. Chicago Hous. Auth. [45,851]	969
♦ <i>Dual Notice</i>		♦ <i>Visitors and Guests</i>	
Housing Auth. of Bangor v. Rogers [48,203] . .	555	Turner v. Chicago Hous. Auth. [45,851]	969
♦ <i>Notice</i>		♦ <i>Local Housing Authorities</i>	
Community Dev. Auth. of Madison v. Yoakum [47,833]	199	Curtis v. Housing Auth. of Oakland [46,076]	939
Metropolitan Dade County v. Thompson [48,156]	441	Henry v. Housing Auth. of Charleston, W. Va. [48,064]	334
Richmond Tenants Org. v. Kemp [45,826] . . .	196	♦ <i>Adequate Notice of Suit</i>	
United States v. A Leasehold Interest In Property Located at 850 S. Maple [45,859]	317	New York City Hous. Auth. v. Green [48,503]	943
Wexford Ridge Assocs. v. Bankston [48,731]	1496		
Willowbrook Apartment, Inc. v. McCane [48,508]	941		

♦ Functions		
Pinkney v. Housing Auth. of Sanford, Fla. [48,637]	1375	
♦ Loss of Units		
Boles v. Kemp [48,246]	554	
Hillside Apartments, <i>In re</i> [48,734]	1496	
Pearson v. Kelly [48,607]	1372	
♦ Demolition		
Berrios v. City of Lancaster	1528	
Gomez v. Housing Auth. of City of El Paso	1629	
Henry Horner Mothers Guild v. Chicago Hous. Auth. [46,823]	354	
Resident Council of Allen Parkway Village v. HUD [44,276]	1629	
Tinsley v. Kemp [44,154]	438, 1601	
♦ Management		
Tinsley v. Kemp [44,154]	438	
♦ Rent		
♦ Code Violations		
♦ Abatement		
Woodman v. Quincy Hous. Auth. [48,278]	670	
♦ Computation		
Keeton v. Housing Auth. of Morgantown [47,997]	197	
♦ Excess of Allowable Ceiling		
Derrick v. Kemp [44,516]	669	
Harrison v. Housing Auth. of Austin Tex. [48,538]	944	
♦ Excessive Rents		
Vialez v. New York City Hous. Auth.	354	
♦ Increases		
♦ Due Process Hearings		
Banner v. Fall River Hous. Auth. [48,194]	441	
♦ Nonpayment		
Curry v. Metropolitan Dade County [48,752]	1493	
Housing Auth. of Elgin v. Ellis	466	
New York City Hous. Auth. v. Green [48,503]	943	
♦ Repairs		
Curtis v. Housing Auth. of Oakland [46,076]	939	
Hunt v. Chicago Hous. Auth. [47,919]	190	
Pearson v. Kelly [48,607]	1372	
Kingston Square Tenants Assoc. v. Tuskegee Gardens	843	
Tinsley v. Kemp [44,154]	438, 1601	
♦ Code Violations		
Scott v. Kemp [48,662]	1369	
Whitt v. Philadelphia Hous. Auth. [48,288]	669	
♦ Defects Hazardous to Life, Health, and Safety		
Scott v. Kemp [48,662]	1369	
♦ Security		
♦ Security as Part of Warranty of Habitability		
Scott v. Kemp [48,662]	1369	
♦ Site Selection		
♦ Minority Concentrated Areas		
Jackson v. Okaloosa County, Fla. [48,543]	1370	
♦ Utilities		
♦ Surcharge		
Dorsey v. Housing Auth. of Baltimore City [48,242]	553	
♦ Warranty of Habitability		
Kingston Square Tenants Assoc. v. Tuskegee Gardens	843	
Rehabilitation		
Tinsley v. Kemp [44,154]	1601	
Section 8 Housing		
Ellis v. Ritchie	1528	
Housing Dev. Corp. v. Schaut [48,796]	1616	
Medley v. City of Milwaukee	969	
Peyton v. Reynolds Assocs. [47,920]	196	
Woodstock Assocs. v. Kemp	1397	
♦ Admissions		
♦ Eligibility		
Missouri <i>ex rel.</i> Bibbs v. Housing Auth. of St. Louis County [48,534]	942	
Parker v. Kemp [48,571]	1371	
Skinner v. Cuyahoga Metro. Hous. Auth. [48,229]	555	
Williams v. Marchman [48,613]	1369	

♦ Prior Debts	
Aguirre v. Aurora Hous. Auth. [48,776]	1614
Beauchamp v. Aspen Square Management [48,495]	944
♦ Procedural Protections	
Aguirre v. Aurora Hous. Auth. [48,776]	1614
Arias v. G & K Management [47,989]	200
♦ Reasons for Rejection	
Beauchamp v. Aspen Square Management [48,495]	944
Skinner v. Cuyahoga Metro. Hous. Auth. [48,229]	555
♦ Waiting Lists	
Bueno v. Adams County Hous. Auth. [48,491]	939
♦ Selections Procedures	
Arias v. G & K Management [47,989]	200
♦ Certification	
♦ Termination	
Chesir v. Housing Auth. of City of Milwaukee	1528
Hopkins v. New Bedford Hous. Auth. [47,925]	200
Missouri <i>ex rel.</i> Bibbs v. Housing Auth. of St. Louis County [48,534]	942
♦ Evictions	
Basham v. Freda [48,572]	1368
Ellis v. Ritchie	1528
Hegenes Properties v. Reed [48,366]	817
Skinner v. Cuyahoga Metro. Hous. Auth. [48,229]	555
Wexford Ridge Assocs. v. Bankston [48,731]	1496
♦ Defenses	
Chappell v. Housing Auth. of St. Petersburg, Fla. [46,749]	1613
Dowden v. Calvert [48,490]	942
Edwards, <i>in re</i> [47,120]	428
Trammell Assocs. v. Moore [48,672]	1374
♦ Due Process	
Gorsuch Homes, Inc. v. Wooten	970
Trammell Assocs. v. Moore [48,672]	1374
♦ Good Cause	
Crown Oak Assocs. of Penfield v. Jacobs [48,297]	817
Mid-Northern Management v. Heinzeroth [48,647]	1371
TOPA Management v. Freitas [48,142]	440
♦ Hearings	
Chappell v. Housing Auth. of St. Petersburg, Fla. [46,749]	1613
♦ Notices	
Dowden v. Calvert [48,490]	942
Trammell Assocs. v. Moore [48,672]	1374
♦ Excess Charges-Late Charges	
Arnold Murray Constr. v. Wittrock	969
Hobson Grove Apartments v. Edmonds [47,764]	335
♦ Grievance Procedures	
Hopkins v. New Bedford Hous. Auth. [47,925]	200
♦ Leases	
♦ Termination	
Azevedo v. Housing Auth. of Sarasota	1527
Basham v. Freda [48,572]	1368
♦ Local Housing Authority	
Skinner v. Cuyahoga Metro. Hous. Auth. [48,229]	555
♦ Review of Hearing Decision	
Cuevas v. Popolizio [47,004]	1495
♦ Rent	
♦ Increases	
Clay Tower Apartments v. Kemp	1527
Harrison v. Housing Auth. of Austin, Tex. [48,538]	944
Eichelt v. Community Dev. Auth. of Janesville, Wis. [48,177]	439, 816
♦ Repairs	
Indiana Terrace Tenants Org. v. Graham [48,132]	437
♦ Tenant Relocation Assistance	
Robinson v. City of Seattle	693

ILLEGITIMATE CHILDREN

> See also DEPENDENT AND NEGLECTED CHILDREN, DOMESTIC RELATIONS

Adoptions

Reeves, Adoption of, *In re* 836

♦ Consent

Vecchi v. Thomas 351

♦ Unwed Parents

S., Adoption of, *In re* 222

Birth Certificates

Brill v. Hedges 355

Child Support

B., C., Matter of the Paternity of, *In re* 688

♦ Adjudication of Issue

Chambers v. Sanderson 230

County of Dakota v. Hendrickson 462

Stahl v. Wittman 463

♦ Parents' Liability

Chambers v. Sanderson 230

♦ Paternity

Chiapelli v. Viviano 461

County of Dakota v. Hendrickson 462

Division of Child Support Enforcement v.

Myrks 569

Nebraska *ex rel.* J.R. v. Mendoza 460

Stahl v. Wittman 463

Steioff v. Steioff 965

Thronset v. L.L.S. 837

♦ Payment for Welfare Recipients

Illinois Dep't of Pub. Aid v. Miller 350

♦ Reimbursement to Parent

♦ Past Support

Chiapelli v. Viviano 461

Father's Rights

♦ Termination

♦ Consent

Vecchi v. Thomas 351

Jurisdiction of Proceedings

Illinois Dep't of Pub. Aid v. Miller 350

Legitimation

Hall v. Cawvey 837

Paternity

E., J.A., *In re* 1522

F., M. v. N.H. 224

M., N.L., Paternity of, *In re* 224

Ohio *ex rel.* Athens County Dep't of Human

Servs. v. Wolf 1522

♦ Acknowledgment

Jones v. Sullivan [47,994] 207

♦ Action by Child

Illinois Dep't of Pub. Aid v. Miller 350

♦ Appeal and Review

♦ Indigents

Thronset v. L.L.S. 837

♦ Blood Tests

Stahl v. Wittman 463

♦ Father's Rights

Division of Child Support Enforcement v.

Myrks 569

♦ Evidence

Jones v. Sullivan [47,994] 207

Stahl v. Wittman 463

♦ Father's Standing

Reeves, Adoption of, *In re* 836

Steioff v. Steioff 965

♦ Jurisdiction of Proceedings

Chambers v. Sanderson 230

♦ Right to Counsel

♦ Indigents

Thronset v. L.L. S. 837

♦ Statute of Limitations

Fornwalt v. Follmer 1627

Presumption of Legitimacy

♦ Mother Married at Child's Birth

L. v. C. [48,481] 931

Social Security

Schranz *ex rel.* Lenoir, *In re* [47,828] 209

♦ **Survivors' Benefits**♦ **Acknowledgement of Child**

Jones v. Sullivan [47,994] 207

♦ **State Intestate Succession Laws**

Daniels v. Sullivan 1632

IMMIGRATION> **See also ALIENS, MIGRANTS**

Ayuda, Inc. v. Thornburgh 229

Alien Registration

Espindola v. INS [48,701] 1497

Ascertainment of Status

Lewis v. Grinker [42,159] 969

Amnesty

Perales v. Thornburgh 844

Classification

Gonzalez v. McNary 1630

Lewis v. Grinker [42,159] 969

♦ **Excludable Alien**

Borokinni v. INS 1398

Rafeedie v. INS 970

DeportationCatholic Social Servs. v. Thornburgh
[42,712] 201El Rescate Legal Servs. v. Executive Office of
Immigration Review [45,687] 336

Haitian Refugee Center, Inc. v. Baker 355

Pimental-Romero v. INS 230

Rosario v. INS 692

♦ **Child**

Calero v. INS 355

♦ **Conviction**

Molina v. INS 1630

♦ **Exemptions**♦ **Hardship**

Borokinni v. INS 1398

♦ **Political Activities**

Rafeedie v. INS 970

♦ **Political Asylum**

Gutierrez-Rogue v. INS 354

Ravindran v. INS 1398

♦ **Suspension of Deportation**

Butros v. INS 1528

Catholic Social Servs. v. Barr [42,712] 1497

Narayan v. Ilchert 1398

Detention

Aguilar-Ayala v. Ruiz 1398

Lopez-Mejia v. INS 1398

Discrimination

Lewis v. Grinker [42,159] 841

Legalization

Campos v. Smith 692

Castillo v. Jackson [46,256] 443

Catholic Social Servs. v. Barr [42,712] 1497

Catholic Social Servs. v. Thornburgh
[42,712] 201Legalization Assistance Project of the Los
Angeles County Fed'n of Labor v. INS 1398

Proyecto San Pablo v. INS 355

Zambrano v. INS [43,351] 819

♦ **Seasonal Agricultural Workers**

Morales v. Yeutter 230

Naranjo-Aguilera v. INS [48,241] 556

Naturalization

Price v. INS 692

Permanent Resident Visas

Etuk v. Slattery [46,144] 1398

Gonzalez v. McNary 1630

♦ **Delays**

Etuk v. Slattery [46,144] 1528

Representation

Haitian Centers Council, Inc. v. McNary 692

Unauthorized Practice of Law

Gavilan v. Martin [48,516] 928

Voluntary Departure

Catholic Social Servs. v. Barr [42,712] 1497

IN FORMA PAUPERIS**Affidavit of Indigency Requirement**

Williams v. Marshall 1401

Court Costs

Weaver v. Toombs 234

Eligibility

Rowland v. California Men's Colony 1625

Transcripts

Militello v. Board of Educ. of Union City 1519

INCOME TAX

> See TAXES

INDIANS

> See NATIVE AMERICANS

INSURANCE

Continental Casualty Co. v. Hunt [48,683] 1504

Stansberry v. Thorp Credit, Inc. [48,091] 322

Health

Coble v. Bonita House, Inc. 690

Meadows v. Cagle's Inc. 353

Sabina v. American Gen. Life Ins. Co.
[48,245] 664Selzler v. Blue Cross/Blue Shield of Minn.
[48,068] 330

Sirkin v. Phillips Colleges, Inc. 228

Termination

Meadows v. Cagle's Inc. 353

JAILS

> See PRISONS

JUDGES**Disqualification**

Met Council v. Crosson [48,253] 670

Olszewska v. Ferro 221

JUVENILE COURTS**Alternative Placement**

F., Oscar v. County of Worcester 355

Commitment♦ **Right to Counsel**

L., John v. Adams [45,569] 970

Delinquency AdjudicationEller, *In re* 844**Right to Counsel**

L., John v. Adams [45,569] 970

JUVENILE INSTITUTIONS**Access to Courts**

K. v. K. [48,698] 1498

Confinement♦ **Conditions**

A. v. McCoy [46,267] 443

S. v. McLawhorn [47,669] 336

Wyszynski v. Gauthier [48,302] 671

♦ **Sex Discrimination**

Willey v. Thompson [48,026] 204

Medical Care♦ **Adequacy**

Wyszynski v. Gauthier [48,302] 671

♦ **Psychiatric Treatment**

Wyszynski v. Gauthier [48,302] 671

Placement

Willey v. Thompson [48,026] 204

Recreation

A. v. McCoy [46,267] 443

Solitary Confinement

Wyszynski v. Gauthier [48,302] 671

Transfers

Willey v. Thompson [48,026] 204

JUVENILES**> See also ADOPTION, DEPENDENT AND NEGLECTED CHILDREN, ILLEGITIMATE CHILDREN**C., *In re* [48,708] 1506**Confinement**

A. v. McCoy [46,267] 443

L., John v. Adams [45,569] 970

S. v. McLawhorn [47,669] 336

Willey v. Thompson [48,026] 204

Consent Requirements**♦ Medical Care and Treatment**Beth, *In re* 353**Discrimination****♦ Sex**

Williams v. School Dist. of Bethlehem, Pa. 1391

Treatment**♦ Parents' Consent**Pearson, *In re* [48,668] 1491**♦ Right to Treatment**

A. v. McCoy [46,267] 443

LANDLORD-TENANT**> See HOUSING****LANGUAGE DISCRIMINATION****Administrative Hearings****♦ Interpreter Services**

EI Rescate Legal Servs. v. Executive Office of Immigration Review [45,687] 336

Hearings

EI Rescate Legal Servs. v. Executive Office of Immigration Review [45,687] 336

Notices

Vialez v. New York City Hous. Auth. 354

LEGAL SERVICES**> See also ATTORNEY FEES, ATTORNEYS**

Martins v. Rhode Island Dep't of Human Servs. [46,723] 318

Funding**♦ Termination**

Texas Rural Legal Aid v. LSC [45,430] 347

Judicial Review of Legal Services Corporation Decisions

Texas Rural Legal Aid v. LSC [45,430] 347

Political Restrictions

K. v. New York Hosp.-Cornell Medical Center [48,743] 1502

Regulations

Texas Rural Legal Aid v. LSC [45,430] 347

Standing to Sue

K. v. New York Hosp.-Cornell Medical Center [48,743] 1502

LIENS**Damages****♦ Detention of Property**

Burton v. Jardell 231

Landlord's

Burton v. Jardell 231

MEDICAID**Adequacy of Benefits**

Cameron v. Pilley [47,553] 551

Rabalate v. Bane [48,758] 1609

Sweeney v. Bane [48,219] 813

Administration**♦ Immunity****♦ Sovereign**

Kansas Health Care Ass'n v. Kansas DSRS 968

♦ Judicial Review

Newton v. Department of Health & Rehabilitative Servs. 691

Sather v. Adult & Family Servs. Div.	228
♦ Reimbursement Procedure	
Arkansas v. Sullivan	968
♦ State Programs	
Brown v. Nelson [46,877]	331
Daniels v. White [38,991]	936
Kansas Health Care Ass'n v. Kansas DSRS	968
King v. Fallon	1526
Sweeney v. Bane [48,219]	813, 1489
Warren v. Palmer [48,338]	665
Winslow v. Maine Dep't of Human Servs.	968
♦ Notice of Action Taken	
Fulkerson v. Commissioner, Me. Dep't of Human Servs. [48,099]	332, 1525
Applications	
F., <i>In re</i> [48,371]	815
♦ Denials	
Allen v. Utah Dep't of Health [48,009]	194
Banks v. Indiana Family & Social Servs. Admin.	690
Douglas v. Sullivan	842
Flint v. Commissioner of Pub. Welfare	466
♦ Procedures	
Alexander v. Flaherty [13,475]	214
Brown v. Nelson [46,877]	331
Cook v. Hairston [44,249]	811
Stump v. Miller [47,777]	193
Available Income	
Himes v. Sullivan [46,978]	1628
Smith v. Concannon [45,037]	228
♦ Computation	
Edwards v. Griepentrog [45,811]	551, 812
Emerson v. Steffen [46,343]	192
Kaw v. Commissioner, Me. Dep't of Human Servs. [45,849]	192
Lamore v. Ives [48,148]	435, 1364
Peura v. Mala [47,286]	1382
Rambousek v. North Dakota Dep't of Human Servs. [48,486]	937
Winslow v. Maine Dep't of Human Servs.	968
♦ Cost of Living Increases	
Noland v. Sullivan [46,246]	465

♦ Deeming	
Richardson v. Weston [48,331]	665
Winslow v. Maine Dep't of Human Servs.	968
♦ Determination	
Roloff v. Sullivan	1395
♦ Excess Income	
Gamboa v. Rubin [48,422]	828
♦ Medical Care Costs	
Edwards v. Griepentrog [45,811]	551, 812
♦ Property Investments	
Correll v. Division of Social Servs.	843
Indiana Dep't of Pub. Welfare v. Payne	691
♦ Spend Down	
♦ Excess Resources	
Allen v. Utah Dep't of Health [48,009]	194
Grimes v. Hansen [46,657]	665
Harriman v. Commissioner, Me. Dep't of Human Servs. [45,835]	330
Indiana Dep't of Pub. Welfare v. Payne	691
Stevens v. Department of Social Welfare [48,788]	1611
♦ Method of Determining	
Strachan v. Perles [47,864]	194
♦ Third-Party Resources	
Edwards v. Griepentrog [45,811]	1525
♦ Transfer of Assets	
Grimes v. Hansen [46,657]	665
♦ Trust Funds	
C., <i>In re</i> [48,291]	666
Kegel v. State	691
Trust Co. of Okla. v. Oklahoma	354
Community Health Center	
Bethphage Lutheran Servs. v. Weicker	841
Cutbacks	
Babbitt v. Michigan Dep't of Social Servs. [46,619]	1508
Parks v. Gallant [48,652]	1365
Sweeney v. Bane [48,219]	813, 1489
Dental Services	
Clark v. Coye [43,105]	1599

Gunzburg v. Illinois Dep't of Pub. Aid [48,418]	813	Hearings	
♦ Dentures		♦ Deceased Applicant for Beneficiary	
Sather v. Adult & Family Servs. Div.	228	Dawson v. Ohio Dep't of Human Servs.	354
♦ Medically Necessary		♦ Notice and Hearing Requirements	
Barajas v. Coye [48,766]	1609	Cook v. Hairston [44,249]	811
		Haymons v. Williams	1396
Diabetics		Hospitals	
♦ Syringes		♦ Reimbursement	
Cameron v. Pilley [47,553]	551	Connecticut Hosp. Ass'n v. O'Neill	842
Drugs		Intermediate Care Facilities	
Doe v. Commissioner, Me. Dep't of Human Servs. [48,048]	329, 1365	King v. Fallon	1526
♦ Copayments		Limitations on Service	
Sweeney v. Bane [48,219]	552	Fulkerson v. Commissioner, Me. Dep't of Human Servs. [48,099]	1525
♦ Reimbursement		Warren v. Palmer [48,338]	936
Upjohn v. Ohio Dep't of Human Servs.	1527	Maternity Care	
Early and Periodic Screening, Diagnosis, and Treatment Programs		Clark v. Coye [43,105]	1599
Ellis v. Wetherbee [48,639]	1365	Douglas v. Sullivan	842
Sanders v. Weston [48,638]	1366	Lewis v. Grinker [42,159]	969
♦ Guidelines		Medically Necessary Procedure	
Cameron v. Pilley [47,553]	551	Pereira v. Kozlowski	1526
Eligibility		Nursing Homes	
Allen v. Utah Dep't of Health [48,009]	194	♦ Certification	
Coye v. HHS	1395	Linton v. Commissioner of Health & Env't [42,967]	1395
Doe v. Perales [46,454]	353	♦ Conditions	
Duenas v. Concannon [48,421]	957	Valdivia v. California Dep't of Health Servs. [45,464]	662
Harriman v. Commissioner, Me. Dep't of Human Servs. [45,835]	330	♦ Discharge	
Indiana Dep't of Pub. Welfare v. Payne	691	Nicholas v. St. Luke Ctr. of Hyde Park	1526
Kaw Commissioner, Me. Dep't of Human Servs. [45,849]	192	♦ Drugs	
Lewis v. Grinker [42,159]	841, 969	Valdivia v. California Dep't of Health Servs. [45,464]	662
Newton v. Department of Health & Rehabilitative Servs.	691	♦ Eligibility	
Noland v. Sullivan [46,246]	465	Doe v. Perales [46,454]	353
Parks v. Gallant [48,652]	1365	♦ Patients' Rights	
Simmons v. Pilley [48,208]	551	Cook v. Hairston [44,249]	811
Stump v. Miller [47,777]	193		
♦ Timely Determination			
Brown v. Nelson [46,877]	331		

♦ **Reimbursement**

Illinois Council on Long Term Care v. Bradley	353
Texas Dep't of Human Servs. v. Christian Care Centers, Inc.	466

♦ **Standing to Sue**

Linton v. Commissioner of Health & Env't [42,967]	1395
--	------

♦ **State Regulation**

Linton v. Commissioner of Health & Env't [42,967]	1395
--	------

♦ **State Reimbursement**

Massachusetts Fed'n of Nursing Homes v. Massachusetts	842
--	-----

Organ Transplants

Warren v. Palmer [48,338]	665
-------------------------------------	-----

Personal Injury Settlement

Trust Co. of Okla. v. Oklahoma	354
--	-----

Reduction♦ **Notice and Hearing Requirements**

Sweeney v. Bane [48,219]	552
------------------------------------	-----

Reimbursement

Arkansas v. Sullivan	968
Daniels v. White [38,991]	936
Klementowski v. Secretary of HHS	1526

Retroactive Payments

Stevens v. Department of Social Welfare [48,788]	1611
---	------

SSI Recipients♦ **Eligibility**

Simmons v. Pilley [48,208]	551
--------------------------------------	-----

♦ **State Eligibility Requirements**

Mississippi Office of the Governor, Div. of Medicaid v. Sullivan	227
Smith v. Concannon [45,037]	228

♦ **State Programs**

Christy v. Ibarra	466
-----------------------------	-----

Suspension of Benefits♦ **Lack of Funds**

McMillan v. McCrimon [48,234]	550, 812
---	----------

Termination♦ **Hearings**

Haymons v. Williams	1396
-------------------------------	------

♦ **Notice**

Genthner v. Kimberly Quality Care [47,284]	1366
--	------

Transfer of Assets

C., <i>In re</i> [48,291]	666
K., <i>In re</i> [48,408]	814

Transportation and Lodging Expenses

Stump v. Miller [47,777]	193
------------------------------------	-----

**MEDICAL ASSISTANCE
PROGRAMS****Administration**

Blessing, <i>In re</i> [48,777]	1613
Stowell v. Ives [48,102]	1404

♦ **Due Process**

Cruz v. Fallon [48,143]	435
Dowling v. Davis [48,702]	1490

Aid to Medically Needy♦ **Eligibility**

Walizer v. Dep't of Pub. Welfare	1396
--	------

Applications

Doe v. Whitburn [46,427]	194
------------------------------------	-----

♦ **Denials**

Malek v. Wisconsin Dep't of Health & Social Servs. [48,186]	436
Snyder v. Wisconsin Dep't of Health & Social Servs. [48,184]	436

♦ **Procedures**

Roberston v. Cass County Social Servs.	1629
--	------

Available Income

Zimmerman v. Department of Health & Social Servs.	691
--	-----

♦ **Computation**

Emerson v. Steffen [46,343]	192
---------------------------------------	-----

♦ **Excess Resources**

West v. Director, Mo. Div. of Family Servs. 228

♦ **Transfer of Assets**K., *In re* [48,408] 814**Cutbacks**

Bullock v. Whiteman [47,461] 959

Dowling v. Davis [48,702] 1490

Judy v. Schaefer [48,649] 1514

National Kidney Patients Ass'n v. Sullivan 465

Denial of Benefits

Walizer v. Dep't of Pub. Welfare 1396

♦ **Right to Appeal**Blessing, *In re* [48,777] 1613**Dental Services**

Barajas v. Coye [48,766] 1609

EligibilityFricker v. Department of Health &
Rehab. Servs. 1526Geriatric & Medical Servs. v. Department of
Pub. Welfare 1629Malek v. Wisconsin Dep't of Health & Social
Servs. [48,186] 436Richmond Memorial Hosp. v. Adkins
[48,545] 937♦ **Due Process**

Cruz v. Fallon [48,143] 435

♦ **Sale of Exempt Real Estate**Snyder v. Wisconsin Dep't of Health & Social
Servs. [48,184] 436**Hearings**

Roberston v. Cass County Social Servs. 1629

Home Health CareBell v. Ancillary Home Health Care
[47,998] 195

Dowling v. Davis [48,702] 1490

National Kidney Patients Ass'n v. Sullivan 465

Medi-Cal

Barajas v. Coye [48,766] 1609

Dowling v. Davis [48,702] 1490

♦ **Available Income**

Vadon v. Coye [48,107] 331

Nursing HomesGeriatric & Medical Servs. v. Department of
Pub. Welfare 1629**Termination**

Cruz v. Fallon [48,143] 435

MEDICARE**Appeals**♦ **Hospital Insurance Claim Denial**S., Estate of, *In re* [48,334] 666♦ **Procedures**B., *In re* [48,761] 1612**Assets**Mary, *In re* [48,548] 938Zeringue v. LaFourche Parish Office of
Eligibility Determination 691**Cutbacks**Babbitt v. Michigan Dep't of Social Servs.
[46,619] 1508**Eligibility**Mary, *In re* [48,548] 938Zeringue v. LaFourche Parish Office of
Eligibility Determination 691**Extended Care Services**♦ **Custodial Care**Savona, *In re* [48,239] 552♦ **Skilled Nursing Care**

Scott v. Sullivan [48,086] 329

Tataranowicz v. Sullivan [46,294] 192

HHS Regulations

Abbey v. Sullivan 572

Hospital Services♦ **Inpatient Hospital Care**Bellwood, *In re* [48,364] 814

DeLuca v. Sullivan [48,292] 662

M., *In re* [48,492] 938

♦ Classification	
Hill v. Sullivan [46,649]	664
S., Estate of, <i>In re</i> [48,334]	666
♦ Coverage Limitations	
G., <i>In re</i> [48,527]	937
Health Ins. Claim, <i>In re</i> [47,832]	195
Hill v. Sullivan [46,649]	664
Judicial Review	
Abbey v. Sullivan	1525
Nursing Homes	
Spillane v. Sullivan [47,281]	935
♦ Conditions	
Valdivia v. California Dep't of Health Servs. [45,464]	662
Part A of Medicare	
♦ Home Health Care Services	
A., <i>In re</i> [48,230]	552
C., <i>In re</i> [48,083]	332
G., <i>In re</i> [48,673]	1492
S., <i>In re</i> [48,763]	1612
♦ Hospital Insurance Benefits	
DeLuca v. Sullivan [48,292]	662
♦ Inpatient Hospital Care	
B., <i>In re</i> [48,761]	1612
Hill v. Sullivan [46,649]	664
M., <i>In re</i> [48,492]	938
S., Estate of, <i>In re</i> [48,334]	666
♦ Post-Hospital Extended Services	
♦ Skilled Nursing Facility	
L., <i>In re</i> [48,762]	1612
Tataranowicz v. Sullivan [46,294]	192
Part B of Medicare	
Abbey v. Sullivan	1525
♦ Enrollment Limitations	
Fields v. Sullivan	691
♦ Limitations on Coverage and Payment	
Bogutz, <i>In re</i> [47,282]	1367
G., <i>In re</i> [48,527]	937
New York City Health & Hosps. Corp. v. Perales	353

Ralabate v. Bane [48,758]	1609
W., <i>In re</i> [48,646]	1367
Williams v. Sullivan [47,279]	193
♦ Overpayments	
G., <i>In re</i> [48,527]	937
♦ Services Covered	
B., Estate of, <i>In re</i> [48,204]	553
D., <i>In re</i> [48,644]	1367
Griffith v. Sullivan [42,534]	690
Mortillaro, <i>In re</i> [48,076]	332
Physical Therapy	
Mortillaro, <i>In re</i> [48,076]	332
Prospective Payment System	
♦ Peer Review Organizations	
Savona, <i>In re</i> [48,239]	552
Recoupment	
G., <i>In re</i> [48,527]	937
Reimbursement	
Bogutz, <i>In re</i> [47,282]	1367
D., <i>In re</i> [48,644]	1367
Queen City Home Health Care Co. v. Sullivan	1525
W., <i>In re</i> [48,646]	1367

MENTAL HEALTH

Access to Counsel	
Levenson v. Oliver	231
Commitment Procedures	
Clark, <i>In re</i>	232
King, <i>In re</i>	232
♦ Change in Commitment Status	
Houlihan, <i>In re</i>	845
Plummer, <i>In re</i>	845
♦ Civil Commitment	
♦ Constitutionality	
Heller v. Doe [33,390]	1500
♦ Due Process	
Miller, <i>In re</i>	231
Plummer, <i>In re</i>	845
Rubenstein v. Benedictine Hosp. [48,188]	445

♦ Voluntary Commitment		
Doe v. Cowherd [33,390]	836	
♦ Continued Hospitalization		
Arney, <i>In re</i>	356	
♦ Involuntary Commitment		
B., C.M., <i>In re</i>	231	
Decker v. Wood [48,769]	1617	
Doe v. Cowherd [33,390]	836	
MH-90-00566, <i>In re</i>	1529	
Oregon v. Doe	1529	
Oregon v. Pieretti	232	
Reynard, <i>In re</i>	1630	
Robinson, <i>In re</i>	1529	
Rubenstein v. Benedictine Hosp.	693	
Texas Dep't of Mental Health & Mental Retardation v. Petty	232	
Wiessing, <i>In re</i>	695	
Wolf, <i>In re</i>	845	
♦ Alternative Treatment		
Chorney, <i>In re</i>	356	
♦ Burden of Proof		
Heller v. Doe [33,390]	1500	
♦ Court Orders		
C., J.S. v. Alabama Dep't of Mental Health & Mental Retardation	468	
♦ Dangerousness		
Grafstrom, <i>In re</i>	1529	
Houlihan, <i>In re</i>	845	
♦ Discharge		
C., J.S. v. Alabama Dep't of Mental Health & Mental Retardation	468	
Godwin v. Florida	356	
Heichelbech v. Evans [48,688]	1501	
♦ Due Process		
Miller, <i>In re</i>	231	
Rubenstein v. Benedictine Hosp. [48,188]	445	
♦ Examinations by Physicians		
Glass v. Mayas	972	
♦ Hearings		
H., T., <i>In re</i>	467	
♦ Psychiatric Examinations		
Goetz v. Crosson	845	
♦ Standard of Proof		
B., L.C., the Mental Health of, <i>In re</i>	694	
Wyatt v. King	231	
♦ Statements by Physicians, Examiners, or Psychologists		
Miller, <i>In re</i>	231	
♦ Juveniles		
C., J.S. v. Alabama Dep't of Mental Health & Mental Retardation	468	
L., D. v. Commissioner of Social Servs.	573	
♦ Sufficiency of Evidence		
Rubenstein v. Benedictine Hosp. [48,188]	445	
♦ Voluntary Commitment		
Kirby, <i>In re</i>	695	
Deinstitutionalization		
Williams v. Forsberg [46,924]	948	
♦ Aftercare Services		
M. v. Muether [48,108]	338	
S. v. Governor of Mass. [46,924]	318	
Drugs		
Blilie, <i>In re</i>	574	
♦ Forced Medications		
Doe, <i>In re</i> [48,566]	1378	
Felce v. Fiedler	1400	
Khiem v. United States	1399	
L., J. v. Miller	1529	
Preston v. Gutierrez [48,201]	558	
♦ Involuntary Administration		
Preston v. Gutierrez [48,201]	558	
Wisconsin <i>ex rel.</i> Roberta S. v. Waukesha County Human Servs.	1529	
Guardianship		
Blilie, <i>In re</i>	574	
Byrd, Estate of, <i>In re</i>	694	
Coller, Guardianship of, <i>In re</i>	1399	
Rudy, Guardianship of, <i>In re</i>	1630	
Sirkin v. Phillips Colleges, Inc.	228	
Winston, Guardianship of	694	

Least Restrictive Alternative

♦ **Community-Based Programs**

Bangerter v. Orem City Corp.	1399
Blackwell v. City of Hendersonville, N.C. [48,217]	555
Tellurian U.C.A.N. v. Goodrich [45,192]	338

♦ **Mentally Retarded**

Jordano v. Steffen	573
------------------------------	-----

♦ **Zoning**

Campbell v. City Council of Lynn	468
Chapter 15, San Francisco Admin. Code, Sec. 15.7, <i>In re</i> [47,983]	206

♦ **Deinstitutionalization**

Williams v. Forsberg [46,924]	948
---	-----

Medical Treatment

Harrison, <i>In re</i> [48,716]	1487
---	------

Mental Institutions

Consumer Advisory Bd. v. Glover [47,158]	926
Navarro-Ayala v. Nunez	963
S. v. Governor of Mass. [46,924]	318

♦ **Abuse of Patients**

Cameron v. Tomes	356
Ihler v. South [43,453]	1377

♦ **Administrator's Liability**

Texas Dep't of Mental Health & Mental Retardation v. Petty	232
---	-----

♦ **Discharge Pending Placement**

Williams v. Forsberg [46,924]	948
---	-----

♦ **Involuntary Patients**

Rawlins v. King	972
---------------------------	-----

♦ **Liability for Costs**

Godwin v. Florida	356
-----------------------------	-----

♦ **Living Conditions**

B. v. Concannon [48,124]	446, 1377
Ihler v. South [43,453]	1377

♦ **Mail Privileges**

Martyr v. Mazur-Hart	694
--------------------------------	-----

♦ **Medical Care**

♦ **Quality**

Cameron v. Tomes	356
----------------------------	-----

♦ **Placement**

Arney, <i>In re</i>	356
B., L.C., the Mental Health of, <i>In re</i>	694

♦ **Review**

Texas Dep't of Mental Health & Mental Retardation v. Petty	232
---	-----

♦ **Staff Adequacy**

B. v. Concannon [48,124]	446, 1377
Ihler v. South [43,453]	1377

♦ **Standard of Care**

B. v. Concannon [48,124]	446, 1377
Rawlins v. King	972
Wyatt v. King	1377

Patients' Rights

Wyatt v. King	1377
-------------------------	------

♦ **Duty to Protect from Assault**

Ms. B. v. Montgomery County Emergency Servs., Inc.	1399
---	------

♦ **Privileges**

Miller, <i>In re</i>	231
Ms. B. v. Montgomery County Emergency Servs., Inc.	1399

♦ **Right to Refuse Medication**

Doe, <i>In re</i> [48,566]	1378
Khlem v. United States	1399
Preston v. Gutierrez [48,201]	558

Psychiatric Examinations

Roe v. Sugar River Mills Assocs. [48,483]	939
---	-----

Treatment

Baker v. Webster County, Iowa	972
Cameron v. Tomes	356

♦ **Costs**

♦ **Liability**

♦ **Involuntarily Committed**

Godwin v. Florida	356
-----------------------------	-----

♦ **Right to Refuse Treatment**

L., L., <i>In re</i>	468
J., T., <i>In re</i>	468
Preston v. Gutierrez [48,201]	558
Arney, <i>In re</i>	356

Goebel v. Colorado Dep't of Insts. [39,426]	694
M. v. Muether [48,108]	338
Mullins v. North Dakota Dep't of Human Servs.	574
Rawlins v. King	972

Vocational Rehabilitation

Hanks v. Gann [48,141]	445
----------------------------------	-----

MIGRANTS**> See also ALIENS, EMPLOYMENT
DISCRIMINATION, IMMIGRATION****Employment**

Rivera v. Saffold	1530
♦ Conditions	
Rivas v. Schmidl Farms [46,859]	446
♦ Fair Labor Standards Act	
Aviles v. Kunkle	1529
Salinas v. Rodriguez	695, 1530
♦ Violations	
Leach v. Johnston [48,676]	1502
♦ Wages	
Caro-Galvan v. Curtis Richardson, Inc. [48,787]	1618
Joseph v. Department of Labor	574
Pando, <i>In re</i> [48,407]	824
♦ Adverse Wage Rate	
Frederick County Fruit Growers Ass'n v. Martin [45,141]	672
♦ Back Wages	
Frederick County Fruit Growers Ass'n v. Martin [45,141]	672

Housing

San Mateo County Coastal Landowner's Ass'n v. County of San Mateo [47,978]	207
♦ Eviction	
♦ Retallatory	
Rivera v. Saffold [48,712]	1803
♦ Substandard Housing	
Caro-Galvan v. Curtis Richardson, Inc. [48,787]	1618
Rivas v. Schmidl Farms [46,859]	446

**Migrant and Seasonal Agricultural
Worker Protection Act**

Aviles v. Kunkle	1529
Salinas v. Rodriguez	695, 1530

♦ Violations

Caro-Galvan v. Curtis Richardson, Inc. [48,787]	1618
Leach v. Johnston [48,676]	1502
Rivas v. Schmidl Farms [46,859]	446
Stewart v. Everett	1530

Occupational Safety

Stewart v. Everett	1530
------------------------------	------

Social Security**♦ Eligibility**

B., <i>In re</i> [48,714]	1503
-------------------------------------	------

Unemployment Compensation

Rivera v. Board of Review, N.J. Dep't of Labor [48,196]	447
--	-----

MILITARY

National Ass'n of Radiation Survivors v. Derwinski	239
---	-----

Veterans' Benefits

Butler v. Derwinski	471
Hicks v. VA	699
Strott v. Derwinski	699

♦ Disability

Belue v. Belue	688
Disabled Am. Veterans v. VA [47,909]	212, 699
Edwards v. Griepentrog [45,811]	1525
Fugere v. Derwinski	1403
Jones v. Derwinski	976
Kennedy v. Sullivan [45,512]	1619
Lamore v. Ives [48,148]	435, 1364
National Ass'n of Radiation Survivors v. Derwinski	360

♦ Eligibility

Del Monte v. Wilson	239
-------------------------------	-----

♦ Judicial Review

Johnson v. Derwinski	239, 976
Jones v. Principi [48,412]	799, 1352

♦ **Mortgages**

Connelly v. Derwinski	577
United States v. Davis	699

Veterans' State Programs

Del Monte v. Wilson	239
-------------------------------	-----

MOBILE HOMES> **See HOUSING****MUNICIPAL-GOVERNMENT SERVICES**

Keller v. Marion County Ambulance Dist.	227
---	-----

♦ **Street-Vending Regulations**♦ **Exemption**

Story v. Green	1537
--------------------------	------

NATIVE AMERICANS**Adoption**

S., T.I., <i>In re</i>	468
----------------------------------	-----

Claims Against U.S.♦ **Aboriginal Title**

Western Shoshone Nat'l Council v. Molini	232
--	-----

♦ **Treaties**

Western Shoshone Nat'l Council v. Molini	232
--	-----

Criminal Law and Procedure

Fort Belknap Indian Community v. Montana	972
--	-----

Domestic Relations♦ **Adoption**

Crews, Adoption of, <i>In re</i> v. Hope Serv.	356
M., Adoption of, <i>In re</i>	846
Oglala Sioux Tribe v. Swenson [48,232]	558
S., <i>In re</i> [48,616]	1378
W., Baby Boy, Adoption of, <i>In re</i>	688

♦ **Custody**♦ **Indian Child Welfare Act**

C., S., <i>In re</i>	973
M., Adoption of, <i>In re</i>	846
Oglala Sioux Tribe v. Swenson [48,232]	558
S., <i>In re</i> [48,616]	1378
Sayers v. Beltrami County	468

♦ **Termination of Parental Rights**

Maricopa County Juvenile Action, <i>In re</i>	574
P., D.S., <i>In re</i>	356
W., C., <i>In re</i>	233

Environment♦ **Environmental Impact Statements**

All Indian Pueblo Council v. United States	1399
--	------

Federal Authority♦ **Leasing**

Cheyenne-Arapaho Tribes v. United States	846
--	-----

♦ **Liquor**

Fort Belknap Indian Community v. Montana	972
--	-----

Federal Benefits

Navajo Nation v. New Mexico	1400
---------------------------------------	------

Grazing

United States v. Plainbull	574
--------------------------------------	-----

Housing♦ **Off-Reservation**

Housing Auth. v. Ponca City	232
---------------------------------------	-----

Hunting and Fishing Rights

State v. Shabalash	833
------------------------------	-----

♦ **Regulations**

Alaska v. Kluti Kaah Native Village	846
---	-----

Indian♦ **Defined**

Allery v. Swimmer	233
S., T.I., <i>In re</i>	468

Indian Claims Commission

Western Shoshone Nat'l Council v. Molini	232
--	-----

Indian Country

Catawba Indian Tribe v. South Carolina	1530
--	------

Inheritance Rights

Crawley v. U.S. <i>ex rel.</i> Lujan	1530
--	------

Jurisdiction

United States v. Plainbull	574
--------------------------------------	-----

♦ **Consent to Application of State Laws**

Boller v. Key Bank of Wyo. [48,042] 339

♦ **Federal Jurisdiction**

Fort Belknap Indian Community v. Montana . . . 972

♦ **State Jurisdiction**

Boller v. Key Bank of Wyo. [48,042] 339

Catawba Indian Tribe v. South Carolina 1530

Fort Belknap Indian Community v. Montana . . . 972

Leasing♦ **Mineral Rights**

Cheyenne-Arapaho Tribes v. United States . . . 846

ProbateCrawley v. U.S. *ex rel.* Lujan 1530**Reservations**

Arizona Dep't of Revenue v. Dillon 468

♦ **Jurisdiction**

Boller v. Key Bank of Wyo. [48,042] 339

♦ **Leasing**♦ **Non-Indian Lessees**

Native Village of Tyonek v. Puckett 232

♦ **Right of Way**

All Indian Pueblo Council v. United States . . . 1399

Taxes♦ **Sales**

Arizona Dep't of Revenue v. Dillon 468

Tunica-Biloxi Tribe v. Louisiana 845

♦ **State**

Arizona Dep't of Revenue v. Dillon 468

Tunica-Biloxi Tribe v. Louisiana 845

Tribal Government♦ **Courts**♦ **Custody**

Oglala Sioux Tribe v. Swenson [48,232] 558

♦ **Jurisdiction**

City of Ponca City v. Housing Auth. 1530

PARDON AND PAROLE**Parole Conditions**

Felce v. Fiedler 1400

PATERNITY> **See ILLEGITIMATE CHILDREN****PENSIONS**> **See also RAILROAD RETIREMENT PLAN,
SOCIAL SECURITY PROGRAMS****Child's Benefits**

Barnes v. Maytag Corp. 1394

**Employee Retirement Income
Security Act**

Barnes v. Maytag Corp. 1394

District of Columbia v. Greater Wash.
Bd. of Trade 1393

Patterson v. Shumate 568

Poole v. Monmouth College 465

Survivors' Benefits

Barnes v. Maytag Corp. 1394

POLICE**Brutality**

Wallace v. Mulholland 350

Domestic Violence

Roy v. City of Everett 223

PRISONS**Access to Courts**

Choate v. Lockhart 234

Kaiser v. County of Sacramento 234

LaRue v. Fairman 235

McCarthy v. Madigan 233

Weaver v. Toombs 234

Williams v. Marshall 1401

♦ **Access to Legal Assistance**

Knop v. Johnson 1531

♦ **Inmate**

Adams v. James 1401

Farrell v. O'Leary [48,304]	1378
Moore v. Mabus	1400
♦ Lawyer	
Benson v. Orange County	574
♦ Access to Photocopying Machines	
Johnston v. Lehman	973
♦ Law Libraries	
♦ Access	
Shango v. Jurich [22,020]	846
Story v. Morgan	469
♦ Writing Materials	
Johnston v. Lehman	973

Access to Press

Mujahid v. Sumner	1631
-----------------------------	------

Brutality

♦ Guards Against Inmates	
Giroux v. Sherman	1631
Jones v. Huff	695
♦ Cruel and Unusual Punishment	
Candelaria v. Coughlin	575
Hudson v. McMillian	233

Classification of Prisoners

Taylor v. Foltz	1531
---------------------------	------

Conditions of Confinement

Delgado v. New York City Dep't of Correction	1401
Farrell v. O'Leary [48,304]	1378
Johnston v. Lehman	973
Knop v. Johnson	1531
Nolley v. County of Erie	1532
Prows v. Federal Bureau of Prisons	1631
Williams v. Marshall	1401
♦ Cruel and Unusual Punishment	
Clemmons v. Bohannon	357
Gordon v. Faber	1531
Hudson v. McMillian	233
Knox v. McGinnis	357
Miles v. Konvalenka	695
Rose v. Kettle Moraine Correctional Inst. Officials	235

Woodbridge v. Dahlberg	357
♦ Health Care	
Hill v. Rohner [48,643]	1379
Medley v. North Carolina Dep't of Correction	235
♦ Multiple Violations	
Moore v. Mabus	1400
♦ Overcrowding	
Inmates of the Allegheny County Jail v. Wecht [21,698]	1401
Jensen v. Gunter	1631
Stone v. City and County of San Francisco	846
Williams v. Griffin	233
♦ Sanitation	
Williams v. Griffins	233
♦ Visitation Rights	
Smith v. Matthews	973
Patchette v. Nix	234
Van Poyck v. Dugger	234
♦ Revocation	
Benson v. Orange County	574
♦ Strip Search of Visitors	
Smith v. Matthews	973

Custody and Control of Prisoners

Jones v. Huff	695
♦ Administrative Segregation	
Miles v. Konvalenka	695
♦ Due Process	
Berrier v. Allen	233
♦ Contraband Regulations	
Jensen v. Gunter	1631
♦ Disciplinary Proceedings-Hearings	
Barry v. Whalen	1407
Goff v. Dailey	695
Shorridge v. Iowa	235
♦ Constitutionality	
Wolfel v. Morris	1400
♦ Due Process	
Horne v. Coughlin	973
Shango v. Jurich [22,020]	846

♦ Right to Counsel	
Horne v. Coughlin	973
♦ Drug Testing	
Rodriguez v. Coughlin	1401
♦ Employment	
Choate v. Lockhart	234
Elliott v. Byers	1400
♦ Grievance Procedure	
Gartrell v. Gaylor	1630
♦ Published Regulations	
Mujahid v. Sumner	1631
♦ Punitive Segregation	
Parker v. Carpenter	1531
Rose v. Kettle Moraine Correctional Inst. Officials	235
Damages	
Buehl v. Lehman	1532
Hudson v. McMillian	233
Defenses	
♦ Immunity	
Knox v. McGinnis	357
LaRue v. Fairman	235
Freedom of Speech	
Farrell v. Peters	234
Lyon v. Grossheim	1531
Handicapped Persons	
Clarkson v. Coughlin	357
Health Care	
♦ Access	
Calvert v. HUN	1532
♦ Adequacy	
Arnold v. Lewis	1531
Candelaria v. Coughlin	575
Medley v. North Carolina Dep't of Correction	235
Parker v. Carpenter	1531
Williams v. O'Leary	1531
♦ Emergency Services	
Hill v. Rohner [48,643]	1379

Inmate Injuries	
Choate v. Lockhart	234
Elliott v. Byers	1400
Mail Privileges	
Hook v. Arizona Dep't of Corrections	1400
Purnell v. Lord	233
♦ Censorship	
Henthorn v. Swinson	356
Marriage Rights	
Buehl v. Lehman	1532
Farrell v. Peters	234
Personal Property	
Brownlee v. Conine	357
Exum v. Dugger	235
Lyon v. Grossheim	1531
Records	
Sellers v. Bureau of Prisons	469
♦ Access	
Barry v. Whalen	1407
Hunt v. Ohio Dep't of Rehabilitation & Correction	1532
Sterling v. United States	1401
Regulations	
Muhammad v. United States Bureau of Prisons	695
Rehabilitation Programs	
♦ Right to	
Moyers, <i>In re</i>	574
Religious Practices	
Lyon v. Grossheim	1531
Munir v. Scott	846
Thacker v. Dixon	357
♦ Food	
Cooper v. Rogers	575
Right to Privacy	
Hunt v. Ohio Dep't of Rehabilitation & Correction	1532
Riddick v. Sutton	973

Searches

Rodriguez v. Coughlin 1401

♦ **Body Searches**

Blanks v. Smith 696

Covino v. Patrissi 846

Smith v. Matthews 973

Zunker v. Bertrand 1532

♦ **Property Searches**

Blanks v. Smith 696

♦ **Strip Searches**

Boren v. Deland 469

Woodbridge v. Dahlberg 357

Zunker v. Bertrand 1532

Transfers

Angell v. Henneberry 696

♦ **Disciplinary**

Pietka v. Nix 469

♦ **Procedural Rights**

Taylor v. Foltz 1531

♦ **Retaliatory**

Prows v. Federal Bureau of Prisons 1631

Women's Facilities

Riddick v. Sutton 973

♦ **Male Guards**

Jordan v. Gardner 234

PRIVACY

Anonymous Fireman v. City of Willoughby 226

Sellers v. Bureau of Prisons 469

Drug Testing

Doby v. Oklahoma Employment Sec.

Comm'n 238

PROBATE

Robinson v. Thayer [48,741] 1506

PUBLIC HOUSING

> See HOUSING

PUBLIC UTILITIES

> See also ENERGY

Denial of Service

♦ **Due Process**

Russell v. Village of Trimble [48,388] 821

Termination

James v. St. Petersburg, Fla. [46,180] 1379

♦ **By Municipality**

Turpen v. City of Corvallis, Or. [48,046] 339

♦ **Due Process**

Hewison v. City of Coshocton Water
Dep't of [48,389] 820

Morrow v. City of Steubenville, Ohio
[48,387] 820

♦ **Hearings**

Hewison v. City of Coshocton Water
Dep't [48,389] 820

♦ **Landlord's Failure to Pay**

Aldridge v. Ward [48,092] 339

Turpen v. City of Corvallis, Or. [48,046] 339

Utility Supplement

Childs v. Bane [48,773] 1618

RAILROAD RETIREMENT PLAN

➤ See also **SOCIAL SECURITY PROGRAMS**

Survivor's Benefits♦ **Eligibility**

Johnson v. United States R.R. Retirement Bd. [45,233]	821
--	-----

RELOCATION**Planning Procedures**♦ **Relocation Within Same Neighborhood**

Community United for the Betterment of E. Palo Alto v. City Council of E. Palo Alto [48,515]	932
--	-----

Urban Renewal

Community United for the Betterment of E. Palo Alto v. City Council of E. Palo Alto [48,515]	932
--	-----

REPOSSESSION

➤ See also **AUTOMOBILES, CONSUMER**

Sales♦ **Commercially Reasonable**

Stigall v. Heritage Fin. Servs. [48,756]	1605
--	------

♦ **Notices**

Stigall v. Heritage Fin. Servs. [48,756]	1605
--	------

Seizures♦ **Right to Property**

Larranaga v. Mile High Collection & Recovery Bureau [46,775]	182
---	-----

RURAL ISSUES

➤ See also **HOUSING**

Farm Credit System

Abbott v. Farm Credit Bank of Omaha	235
Lillard v. Farm Credit Servs. of Mid-America	847

Farmers Home Administration♦ **Farmer Loan Programs**

McBride v. Coleman	357
Lundstrum v. Lyng	357

♦ **Foreclosure**

Atoka State Bank v. Finch [48,167]	559
Lillard v. Farm Credit Servs. of Mid-America	847

Servicing

Atoka State Bank v. Finch [48,167]	559
FmHA v. Nelson	962
Lillard v. Farm Credit Servs. of Mid-America	847
Winchell v. USDA	696

Public Benefits

Martinez v. Wilson [48,159]	447, 559
---------------------------------------	----------

SENIOR CITIZENS

Texas v. D.S.A. Fin. Publishing Corp. [48,271]	656
---	-----

Assistance Programs

Martinez v. Wilson [48,159]	447, 559
---------------------------------------	----------

Community-Based Services

Whiteside v. Nelson [48,176]	447
--	-----

Estate Planning

Iowa <i>ex rel.</i> Campbell v. Christensen [48,268]	672
Minnesota v. Senior Fin. Servs. [48,277]	673

Guardianship

Bowden, <i>In re</i> [48,510]	949
Fogle, <i>In re</i> [48,417]	821

Housing

Attorney General v. Rannie Webster Found. [48,363]	822
Bowden, <i>In re</i> [48,510]	949
Ellin Corp. v. North Bergen Township [44,464]	358

♦ **Group Housing Zoning**

Mains Farm Homeowners Ass'n v. Worthington [48,134]	440
--	-----

Incompetency♦ **Guardianship**♦ **Qualifications**

Hancock, <i>In re</i>	575
---------------------------------	-----

Institutionalized Persons

Brown, <i>In re</i> [48,266]	667
Hyman, <i>In re</i> [48,267]	667

Wills

Iowa <i>ex rel.</i> Campbell v. Christensen [48,268]	672
Minnesota v. Senior Fin. Servs. [48,277]	673

SOCIAL SECURITY PROGRAMS

➤ See also **DISABILITY**

Administrative Law Judges

Aborn v. Sullivan	469
♦ Decisions	
Brandyburg v. Sullivan	469
Stieberger v. Sullivan [39,839]	560

Administrative Review

♦ Remands	
Creighton v. Sullivan	1534

Appeals Council

McDonald v. Secretary of HHS	1403
Murray, <i>In re</i> [48,719]	1505
♦ Action on Remand	
Carroll v. Sullivan	1533
X., <i>In re</i> [48,742]	1506

Attorney Fees

Akers v. Secretary of HHS	833
Borst v. Sullivan [47,922]	340
Gutierrez v. Sullivan	236
Meyer v. Sullivan	455
Muniz v. Sullivan	349
Salvador v. Sullivan	455
Santiago v. Sullivan	348
Sparling v. Sullivan	456
Spurlock v. Sullivan	347
Sullivan v. Sullivan	455
Thomas v. Sullivan	456
Thompson v. Sullivan [48,651]	1352

Benefits

♦ Computation	
Pugliese v. Sullivan [48,038]	341

♦ Concomitant	
Pugliese v. Sullivan [48,038]	341
♦ Reduction	
Hodge v. Sullivan	697

Child's Insurance Benefits

Harris, <i>In re</i> [48,687]	1505
Potts v. Potts	570
Thornton v. Sullivan [48,171]	448

♦ **Eligibility**

Murray, <i>In re</i> [48,719]	1505
Zahradnik v. Sullivan	848

♦ **Illegitimate Children**

Jones v. Sullivan [47,994]	207
Schranz <i>ex rel.</i> Lenoir, <i>In re</i> [47,828]	209

♦ **Presumption of Death**

Brewster v. Sullivan	1402
--------------------------------	------

♦ **Presumption of Legitimacy**

Zahradnik v. Sullivan	848
---------------------------------	-----

♦ **Rebuttable**

N., <i>In re</i> [48,618]	1380
-------------------------------------	------

Claimant

♦ Education	
Walston v. Sullivan	358

Claims♦ **Initial Determination Process**

Walston v. Sullivan	358
-------------------------------	-----

♦ **Request for Hearing**

Brandyburg v. Sullivan	469
----------------------------------	-----

Disability Benefits

Doe, <i>In re</i> [47,857]	210
--------------------------------------	-----

♦ **Administration**♦ **Procedures**

Black v. Sullivan	849
-----------------------------	-----

♦ **Applications**

Colon Colon v. Secretary of HHS	575
Davis v. Sullivan	1402

♦ **Covered Quarters**

A., <i>In re</i> [48,784]	1619
Bacon v. Sullivan [46,478]	340

♦ **Decisionmaking Process**

Kent v. Sullivan 575

♦ **Delay in Processing**

Carrol v. Sullivan 1533

♦ **Determinations**

Shiner v. Sullivan 974

♦ **Eligibility**

Anthony v. Sullivan 1535

Borst v. Sullivan [47,922] 340

Rosetti v. Sullivan [46,812] 697

Shields v. Sullivan 1534

♦ **Ability to Work**

Alford v. Sullivan 848

Anaya v. Sullivan 236

Besler v. Sullivan 696

Cohen v. Secretary of HHS 696

Coty v. Sullivan 848

Duncan v. Sullivan 470

Gardner v. Sullivan [48,533] 949

Manzo v. Sullivan 470

Ruperto Torres v. Secretary of HHS 849

Schroder v. Sullivan 1403

Trimiar v. Sullivan 848

Williams v. Sullivan 974

X., *In re* [48,742] 1506♦ **Age as Factor**

Bacon v. Sullivan [46,478] 340

D., *In re* [48,384] 824♦ **Alcoholism**

Dennis v. Sullivan 470

Orphey v. Secretary of HHS 696

Schoolcraft v. Sullivan [45,479] 654

♦ **Availability of Other Work**

Stathis v. Sullivan 696

♦ **Blind Persons**Turpin, *In re* [44,994] 561♦ **Cumulative Effect of Disabilities**

Diaz v. Secretary of HHS 849

♦ **Drug Addiction**

Orphey v. Secretary of HHS 696

X., *In re* [48,742] 1506♦ **Long-Term Unskilled Labor**

Walston v. Sullivan 358

♦ **Mental Disabilities**D., *In re* [48,384] 824♦ **Method of Evaluation**

Boring v. Sullivan [46,834] 801, 953

Turpin, *In re* [44,994] 561♦ **Prisoners**

Dugan v. Sullivan 469

Thornton v. Sullivan [48,171] 448

♦ **Proof and Severity of Disability**

Anthony v. Sullivan 358

Dennis v. Sullivan 470

Pegg v. Sullivan 575

Perez v. Secretary of HHS 469

Turpin, *In re* [44,994] 561♦ **Evidence**

Aldrich v. Sullivan [30,542] 1535

Brock v. Secretary of HHS 1632

Geigle v. Sullivan 697

Johnson v. Secretary of HHS 235

Jones v. Sullivan 235

Wilkins v. Secretary of HHS 235

♦ **Credibility**

Pegg v. Sullivan 575

♦ **Cumulative Effect of Disabilities**

Dixon v. Sullivan [36,027] 848

Reed v. Secretary of HHS 1535

Ruperto Torres v. Secretary of HHS 849

♦ **Erroneous Legal Standard**

Jones v. Sullivan 1535

♦ **Medical Evidence**

Aldrich v. Sullivan [30,542] 1535

Peed v. Sullivan 236

Quijano v. Secretary of HHS 697

Schisler v. Sullivan [32,771] 675, 1380

♦ **Disregarded by ALJ**

DeFrancesco v. Sullivan 974

Lopez v. Secretary of HHS 1534

Mills v. Sullivan 1534

Pilarczyk v. Sullivan 1534

Scivally v. Sullivan 847

♦ Medical-Vocational Guidelines		
Alford v. Sullivan	848	
Kucharczyk v. Sullivan [48,482]	951	
♦ Mental Disabilities		
Creighton v. Sullivan	1534	
Shields v. Sullivan	1534	
Williams v. Sullivan	974	
♦ Pain		
Jones v. Sullivan	236	
Locher v. Sullivan	847	
Lopez v. Secretary of HHS	1534	
Pilarczyk v. Sullivan	1534	
Scivally v. Sullivan	847	
Shields v. Sullivan	1534	
Thomas v. Sullivan	1534	
Thompson v. Sullivan [48,651]	1352	
♦ Prior Claim		
Robertson v. Sullivan	1533	
♦ Substantial		
Coty v. Sullivan	848	
Diaz v. Secretary of HHS	849	
Ehrhart v. Secretary of HHS	974	
Lowery v. Sullivan	1533	
Micus v. Bowen	1533	
Nelson v. Sullivan	848	
Orr, v. Sullivan	1403	
Quijano v. Secretary of HHS	697	
Ruperto Torres v. Secretary of HHS	849	
♦ Testimony of Treating Physician		
Aldrich v. Sullivan [30,542]	1535	
Besler v. Sullivan	696	
Black v. Sullivan	849	
Day v. Secretary of HHS [42,990]	951	
Katz v. Secretary of HHS	1402	
Mills v. Sullivan	1534	
Nelson v. Sullivan	848	
Schisler v. Sullivan [32,771]	675, 1380	
♦ Hearings		
♦ De Novo		
Ivy v. Secretary of HHS	1402	
♦ Fair Hearing Rights		
Small v. Sullivan [46,451]	950	
♦ Notices		
Davis v. Sullivan	1402	
♦ Presence at Hearing		
Brandyburg v. Sullivan	469	
♦ Responsibilities of ALJ		
Ivy v. Secretary of HHS	1402	
Kent v. Sullivan	575	
Peed v. Sullivan	236	
♦ Testimony		
♦ Claimant		
Thomas v. Sullivan	1534	
♦ Vocational Expert		
Ehrhart v. Secretary of HHS	974	
Jones v. Sullivan	1535	
Trimiar v. Sullivan	848	
♦ Impairments		
♦ Listing		
Ivy v. Secretary of HHS	1402	
♦ Severity		
Anthony v. Sullivan	358	
♦ Insurance Benefits		
Manzo v. Sullivan	470	
♦ Mental Disabilities		
Tucker v. Sullivan	236	
♦ Payment of Benefits		
Shiner v. Sullivan	974	
♦ Presumptive Disability		
Rosetti v. Sullivan [46,812]	697	
♦ Reduction in Benefits		
Hodge v. Sullivan	697	
Merz v. Secretary of HHS	974	
Pugliese v. Sullivan [48,038]	341	
♦ Offset		
Harden v. HHS	1631	
♦ Refusal to Have Corrective Surgery		
Gardner v. Sullivan [48,533]	949	
♦ Res Judicata		
Davis v. Sullivan	1402	
P., <i>In re</i> [48,169]	448	
Robertson v. Sullivan	1533	
Tucker v. Sullivan	236	

♦ **Review by Appeals Council**

Carrol v. Sullivan	1533
Cruz v. Sullivan	1535
Harper v. Secretary of HHS	1533
Jones v. Sullivan	1535

♦ **Severity of Impairment**

Anthony v. Sullivan	358
-------------------------------	-----

♦ **Standards**

Anthony v. Sullivan	358
DeFrancesco v. Sullivan	974
Rosetti v. Sullivan [46,812]	697

♦ **Substantial Gainful Activity**

Katz v. Secretary of HHS	1402
Schroder v. Sullivan	1403

♦ **Termination**♦ **Cessation of Disabilities**

Johnson v. Secretary of HHS	235
---------------------------------------	-----

♦ **Vocational Evaluations**

Kucharczyk v. Sullivan [48,482]	951
Reed v. Secretary of HHS	1535
Van Tassel v. Sullivan	236

Divorce♦ **Effect on Spouse's Benefits**

Weeks v. Weeks	351
--------------------------	-----

Eligibility

Aborn v. Sullivan	469
-----------------------------	-----

Judicial Review

Bacon v. Sullivan [46,478]	974
Geigle v. Sullivan	697
Jones v. Sullivan	236
McDonald v. Secretary of HHS	1403
Muniz v. Sullivan	349

♦ **Jurisdiction**

Lopez v. Sullivan	349
-----------------------------	-----

♦ **Practice and Procedure**

Ferraro v. Secretary of HHS	221
---------------------------------------	-----

Notices♦ **Overpayments**

Doe, <i>In re</i> [47,857]	210
--------------------------------------	-----

♦ **Recoupment**♦ **Without Fault**

Doe, <i>In re</i> [47,857]	210
--------------------------------------	-----

♦ **Waiver**

Doe, <i>In re</i> [47,857]	210
--------------------------------------	-----

Representative Payee

A., C.G. v. Alaska	360
------------------------------	-----

Res Judicata

Dugan v. Sullivan	469
-----------------------------	-----

Retirement Benefits♦ **Covered Quarters**

Pando, <i>In re</i> [48,407]	824
--	-----

♦ **Denial**

B., <i>In re</i> [48,714]	1503
-------------------------------------	------

♦ **Earnings Limitation**♦ **Recoupment of Excess**

B., <i>In re</i> [48,714]	1503
-------------------------------------	------

Survivors' Benefits

A., C.G. v. Alaska	360
------------------------------	-----

Ryder v. Sullivan	1534
-----------------------------	------

♦ **Illegitimate Children**

Daniels v. Sullivan	1632
-------------------------------	------

N., <i>In re</i> [48,618]	1380
-------------------------------------	------

Widows' (Widowers') Insurance Benefits

Jepson v. HHS	1532
-------------------------	------

♦ **Disability**

Besaw v. Secretary of HHS	847
-------------------------------------	-----

Sajdyk v. Secretary of HHS	236
--------------------------------------	-----

♦ **Eligibility**♦ **Widow of Valid Marriage**

Rogers v. Sullivan	1403
------------------------------	------

SUPPLEMENTAL SECURITY INCOME

➤ See also **DISABILITY**

Appeals Process

♦ Reopening Decisions

Howell v. Sullivan [48,466] 823

Applications

Anderson v. Sullivan [48,664] 1380

L. v. SSA [45,956] 823

Pet, *In re* [48,611] 1381

♦ Effective Date

Palmer v. Sullivan [48,507] 1504

S., *In re* [48,403] 823

White v. Sullivan 847

Assets

Palmer v. Sullivan [48,507] 951

♦ Deemed Income

Cervantez v. Sullivan [44,983] 697

LaBelle v. Sullivan [48,526] 950

Martin v. Sullivan [43,401] 1403

Ryder v. Sullivan 1534

♦ Exemptions

Miller v. Ives 359

♦ Lump Sum Benefits

Farley v. Sullivan [43,480] 1503

♦ Pensions

Gassi, *In re* [48,504] 953

♦ Transfer

Hakanson v. North Dakota Dep't of Human
Servs. 360

Porter v. Sullivan [46,736] 949

♦ Unearned Income

Ryder v. Sullivan 1534

Assignment

Continental Casualty Co. v. Hunt [48,683] . . . 1504

Back Payments

Howell v. Sullivan [48,466] 823

Benefits

♦ Applications

Akins v. Sullivan [47,995] 208

Farley v. Sullivan [43,480] 208

♦ Computation

Akins v. Sullivan [47,995] 208

Anderson v. Sullivan [48,664] 1380

Farley v. Sullivan [43,480] 208, 674, 1503

Gay v. Sullivan [44,288] 847

Palmer v. Sullivan [48,507] 1504

♦ Entitlement

Miller v. Ives 359

♦ Payment

Briggs v. Sullivan [44,289] 359

Palmer v. Sullivan [48,507] 1504

♦ Reduction

Bloodsaw v. Sullivan [46,921] 359

Pugliese v. Sullivan [48,038] 341

Child Support

Becker County Human Servs. v. Peppel
[48,247] 675, 1505

Computation

Farley v. Sullivan [43,480] 674

Delayed Payments

Palmer v. Sullivan [48,507] 1504

Disability Benefits

Harris, *In re* [48,687] 1505

White v. Sullivan 847

♦ Denial

Small v. Sullivan [46,451] 950

Taylor v. Sullivan 236

Wyatt v. Secretary of HHS 1402

♦ Determinations

Anonymous, *In re* [47,858] 209

Goodnight v. Sullivan [48,043] 341

♦ Eligibility

Anonymous, *In re* [47,858] 209

Anthony v. Sullivan 1535

P., *In re* [48,169] 448

Howell v. Sullivan [48,466] 823

♦ **Alcoholism**

Brown v. Secretary of HHS [47,164]	675
Thompson v. Sullivan	358

♦ **Availability for Other Work**

Dixon v. Sullivan [36,027]	848
Taylor v. Sullivan	236
Weikert v. Sullivan	1533

♦ **Mental Disabilities**

B., <i>In re</i> [48,386]	824
Weikert v. Sullivan	1533
Young v. Secretary of HHS	358

♦ **Method of Evaluation**

Boring v. Sullivan [46,834]	801, 953
C., <i>In re</i> [48,708]	1506
Dixon v. Sullivan [36,027]	848
Goodnight v. Sullivan [48,043]	341
Rosetti v. Sullivan [46,812]	697

♦ **Substantial Gainful Activity**

Coty v. Sullivan	848
Jones v. Sullivan	1534
Pettyjohn v. Sullivan	359
Price v. Sullivan	697
Taylor v. Sullivan	236

♦ **Evidence**

Higbee v. Sullivan	1402
Taylor v. Sullivan	236

♦ **Functional Capacity Assessment**

Anonymous, <i>In re</i> [47,858]	209
Baker v. Secretary of HHS	358
Boring v. Sullivan [46,834]	953
Gude v. Sullivan	359
Pratt v. Sullivan	359
Weikert v. Sullivan	1533

♦ **Medical Evidence**

Aldrich v. Sullivan [30,542]	1535
Price v. Sullivan	697
Trent v. Secretary of HHS	575

♦ **Medical-Vocational Guidelines**

Pettyjohn v. Sullivan	359
---------------------------------	-----

♦ **New**

Howell v. Sullivan [48,466]	823
---------------------------------------	-----

♦ **Pain**

Carraher v. Sullivan	1403
Gude v. Sullivan	359
Lopez v. Secretary of HHS	1534

♦ **Subjective**

Marbury v. Sullivan	359
Price v. Sullivan	697

♦ **Substantial**

Baker v. Secretary of HHS	358
Drouin v. Sullivan	848
Gude v. Sullivan	359
Marbury v. Sullivan	359
Stewart v. Secretary of HHS	359
Young v. Secretary of HHS	358

♦ **Treating Physician**

Carraher v. Sullivan	1403
Day v. Secretary of HHS [42,990]	951
Pratt v. Sullivan	359

♦ **Vocational Expert Testimony**

Hedstrom v. Sullivan	359
Stewart v. Secretary of HHS	359
Totz v. Sullivan	696
Young v. Secretary of HHS	358

♦ **Hearings**

Anonymous, <i>In re</i> [47,858]	209
Kendrick v. Sullivan	359
Small v. Sullivan [46,451]	950

♦ **Responsibilities of ALJ**

Wyatt v. Secretary of HHS	1402
-------------------------------------	------

♦ **Unrepresented Claimant**

Brown v. Secretary of HHS [47,164]	675
--	-----

♦ **Mental Disabilities**

Carraher v. Sullivan	1403
Higbee v. Sullivan	1402
Pratt v. Sullivan	359
Tennessee <i>ex rel.</i> Dep't of Human Servs. v. Basler [47,064]	186

♦ **Overpayments**

Marquez, <i>In re</i> [48,520]	954
--	-----

♦ **Recoupment**

Martin v. Sullivan [43,401]	1403
---------------------------------------	------

TAXES

♦ Waiver	
Joseph, <i>In re</i> [48,206]	560
♦ Psychiatric Examinations	
Brown v. Secretary of HHS [47,164]	675
Disabled Children's Benefits	
Harris, <i>In re</i> [48,687]	1505
Eligibility	
♦ Financial Requirements	
Hakanson v. North Dakota Dep't of Human Srvs.	360
Miller v. Ives	359
Palmer v. Sullivan [48,507]	951
♦ Residency Requirements	
Nungaray, <i>In re</i> [48,329]	676
♦ Savings	
Marquez, <i>In re</i> [48,520]	954
Income	
♦ Determination	
Cervantez v. Sullivan [44,983]	697
Farley v. Sullivan [43,480]	208
Johnson v. Sullivan [47,782]	950
Kennedy v. Sullivan [45,512]	1619
Martin v. Sullivan [43,401]	340
S., <i>In re</i> [48,403]	823
♦ Deemed Income	
Tyrrell v. Sullivan	1402
Akins v. Sullivan [47,995]	208
Gay v. Sullivan [44,288]	847
LaBelle v. Sullivan [48,526]	950
Martin v. Sullivan [43,401]	1403
Nungaray, <i>In re</i> [48,329]	676
♦ Pensions	
Gassi, <i>In re</i> [48,504]	953
♦ In-Kind	
Johnson v. Sullivan [47,782]	950
♦ Exemptions	
Bloodsaw v. Sullivan [46,921]	359
LaBelle v. Sullivan [48,526]	950
♦ Rentals at Less Than Market Value	
Bloodsaw v. Sullivan [46,921]	674

Case Dev. & Adv. Sheet Highlights Topical Index

♦ Residence with Relative	
De La Garza, <i>In re</i> [48,506]	953
♦ Limitations	
Martin v. Sullivan [43,401]	340
Judicial Review	
Trent v. Secretary of HHS	575
Overpayments	
♦ Determination	
Warner, <i>In re</i> [48,002]	209
♦ Excess Resources	
Marquez, <i>In re</i> [48,520]	954
Warner, <i>In re</i> [48,002]	209
♦ Recoupment	
♦ Waiver	
Ferry, <i>In re</i> [48,236]	560
Warner, <i>In re</i> [48,002]	209
Wildes, <i>In re</i> [48,189]	449
♦ Without Fault Standard	
Warner, <i>In re</i> [48,002]	209
Representative Payee	
Briggs v. Sullivan [44,289]	359
State Supplementary Program	
Pet, <i>In re</i> [48,611]	1381
♦ Eligibility	
S., <i>In re</i> [48,403]	823
TAXES	
Keller v. Marion County Ambulance Dist	227
Income Taxes	
Scott v. United States	1390
Property Taxes	
♦ Abatement	
Peters v. LaFaber [48,149]	441
♦ Assessment	
Foxx v. Madison County, Fla. [48,209]	561
Madison County, Fla. v. Foxx [48,209]	676
Sales Taxes	
Arizona Dep't of Revenue v. Dillon	468

Tax Sales♦ **Inadequate Notice**

- Robinson v. Thayer [48,741] 1506

TRUTH IN LENDING> **See also CONSUMER****Damages**

- Marshall, *in re* 964

♦ **Computation**

- Foster v. New Dimensions Funding
[47,070] 1484

Disclosure♦ **Right to Rescind**

- Indiana Fed. Credit Union v. Cox [48,109] . . . 322
Porter v. Mid-Penn Consumer Discount Co.
[46,907] 320

♦ **Security Interest**

- Marshall, *in re* 964

Rescission

- Foster v. New Dimensions Funding
[47,070] 1484

♦ **Notice of Right**

- Porter v. Mid-Penn Consumer Discount Co.
[46,907] 320

**UNEMPLOYMENT
COMPENSATION****Administrative Procedures**

- Parks v. Board of Review of W. Va. Dep't of
Employment Sec. [48,786] 1619

♦ **Review of Cases**

- M.A. Bruder & Sons, Inc. v. Unemployment
Compensation Bd. of Review 471

Aliens

- Bonilla, *in re* [48,718] 1508
Castillo v. Jackson [46,256] 443
Joseph v. State 849

Appeals

- Parks v. Board of Review of W. Va. Dep't of
Employment Sec. [48,786] 1619

Stone v. Illinois Dep't of Employment Sec.

- Bd. of Review 1535

♦ **Notices**

- Booth v. Employment Sec. Comm'n 237

♦ **Bilingual**

- Rivera v. Board of Review, N.J. Dep't of
Labor [48,196] 447
Rivera v. Board of Review 697

♦ **Prompt Processing**

- Burke v. Nordberg [48,707] 1507
Ochoa v. Harvey [48,327] 677

♦ **Substantial Evidence**

- Mohiuddin v. Alabama Dep't of Indus.
Relations 698
Shaw v. Hansa Mold Tool & Die, Inc. 238

Benefits♦ **Claim Filed in Another State**

- Daly, *in re* [48,759] 1620

♦ **Denial**

- Crain v. Employment Sec. Dep't 471
Daly, *in re* [48,759] 1620
Doby v. Oklahoma Employment Sec.
Comm'n 238
Florida Unemployment Appeals Comm'n v.
Dean [48,199] 562
Kleidosty v. Employment Appeal Bd. 470
Landry v. Shell Oil Co. 576
Markel v. City of Circle Pines 237
Naples v. Commissioner of Dep't of
Employment & Training 576
Nelson v. Industrial Claim Appeals Office of
Colo. 470
Sharp v. Employment Appeal Bd. 236
Shaw v. Hansa Mold Tool & Die, Inc. 238
Spencer v. Unemployment Compensation
Bd. of Review 360
Wagstaff v. Department of Employment
Sec. 471

Bilingual Notices

- Rivera v. Board of Review, N.J. Dep't of
Labor [48,196] 447

Disqualification

GTE Products Corp. v. Unemployment Compensation Bd. of Review	238
McKean-Coffman v. Employment Div.	237
Mitchell v. Crookston Welding Mach. Co.	1536

♦ **Denial Period**

Davis, <i>In re</i> [48,284]	677
--	-----

♦ **Employment Not Covered**

Bach v. Steinbacher [48,383]	825
--	-----

♦ **Insubordination**

Helmick v. Kansas Employment Sec. Bd. of Rev.	1836
Liscomb v. Environmental Consulting [48,151]	449, 562
Shaw v. Hansa Mold Tool & Die, Inc.	238

♦ **Labor Disputes**

T. B. Wood's Sons v. Unemployment Compensation Bd.	1537
--	------

♦ **Misconduct**

Baker v. Director of Ark. Employment Sec. Dep't	975
Blue v. Unemployment Compensation Bd. of Rev.	1537
Booth v. Employment Sec. Comm'n	237
Doby v. Oklahoma Employment Sec. Comm'n	238
Ford v. Southeast Atlantic Corp.	238
Freeland v. Employment Appeal Bd.	1535
Gore v. Mississippi Employment Sec. Comm'n	237
Hayes v. Wrico Stamping Griffiths Corp.	1536
Hershey v. Unemployment Compensation Bd. of Review	471
Jamison v. Unemployment Compensation Bd. of Review [47,758]	211
Kennedy's Piggly Wiggly v. Cooper	975
Landry v. Shell Oil Co.	576
Langer v. Employment Div.	360
Liscomb v. Environmental Consulting [48,151]	449, 562
Lynch v. PPG Indus.	237
Madison v. Williams Island Country Club	1536
Markel v. City of Circle Pines	237
Metropolitan Edison v. Unemployment Compensation Bd. of Review	576
Pabst v. Industrial Claim Appeals Office	975

Palmer v. Kentucky Unemployment Ins. Comm'n [48,128]	449, 1381
--	-----------

Riceland Foods v. Director of Labor	849
---	-----

Richardson v. Mississippi Employment Sec. Comm'n	237
--	-----

Sturgeon, <i>In re</i> [48,067]	342
---	-----

Tapper v. Washington Employment Sec. Dep't	850
--	-----

♦ **Absenteeism**

Doyle v. Southeastern Glass Laminates, Inc.	238
---	-----

Doyle v. Southeastern Glass Laminates [48,307]	677
--	-----

Florida Unemployment Appeals Comm'n v. Dean [48,199]	562
--	-----

Holman, <i>In re</i> [48,517]	955
---	-----

Margulies v. Pallott & Poppell	849
--	-----

Metal Powder Products v. ADMR, Ohio Bureau of Employment Servs.	576
---	-----

Sedo, <i>In re</i> [48,709]	1507
---------------------------------------	------

♦ **False Statements**

Mohiuddin v. Alabama Dep't of Indus. Relations	698
--	-----

Ross v. Arizona Dep't of Economic Sec.	576
--	-----

♦ **Insolence**

Hulse v. Job Serv. N.D.	1632
---------------------------------	------

♦ **Negligence**

Johnson v. Employment Sec. Dep't	238
--	-----

Odom v. Unemployment Appeals Comm'n	238
---	-----

Thibeaux v. Our Lady of Lourdes Medical Center	238
--	-----

♦ **Rule Violation**

Crain v. Employment Sec. Dep't	471
--	-----

Gibson v. Department of Employment Sec.	1537
---	------

Kleidosty v. Employment Appeal Bd.	470
--	-----

Sindel v. EBCO Mfg. Co.	698
---------------------------------	-----

Wagstaff v. Department of Employment Sec.	471
---	-----

Williams v. Unemployment Compensation Bd. of Review	239
---	-----

♦ **Tardiness**

Doyle v. Southeastern Glass Laminates, Inc.	238
---	-----

Morrison v. United States Pipe & Foundry Co.	698
--	-----

♦ Theft		
Spencer v. Unemployment Compensation Bd. of Rev.	360	
♦ Voluntarily Leaving Without Good Cause		
Austin v. Berryman [42,895]	360	
Florida Unemployment Appeals Comm'n v. Dean [48,199]	562	
Henderson v. Illinois Dep't of Employment Sec.	849	
Kansas City Club v. Labor & Indus. Relations Comm'n	1536	
Langley v. Employment Appeal Bd.	1536	
Margulies v. Pallott & Poppell	849	
Peck v. Employment Appeal Bd.	1632	
Smith v. Masterson Personnel, Inc.	576	
World's Finest Chocolate, Inc. v. Unemployment Compensation Bd. of Rev.	1632	
Eligibility		
Docket No. 092888, <i>In re</i> [48,468]	826	
♦ Available for Full-Time Work		
Mercer County Bd. of Educ. v. Gatson	237	
Miller v. Illinois Dep't of Employment Sec. [48,474]	825	
♦ Job Search		
Allen v. Crawford	237	
♦ Sufficiency		
Wedge, <i>In re</i> [48,724]	1508	
♦ Covered Employment		
Eastern Motor Inns. v. Virginia Employment Comm'n	850	
O'Hare-Midway Limousine Serv. v. Baker	975	
♦ Discharge		
Blue v. Unemployment Compensation Bd. of Rev.	1537	
Can Corp. v. Unemployment Compensation Bd. of Rev.	1632	
Doyle v. Southeastern Glass Laminates [48,307]	677	
Jones v. Brown & Root Corp. Servs.	1536	
Kennedy's Piggly Wiggly v. Cooper	975	
Lynch v. PPG Indus.	237	
P., <i>In re</i> [48,377]	827	
Sedo, <i>In re</i> [48,709]	1507	
Shaw v. Hansa Mold Tool & Die, Inc.	238	
Sturgeon, <i>In re</i> [48,067]	342	
Wyoming Dep't of Employment v. Rissler & McMurray Co. [48,480]	954	
♦ Good Cause		
C., <i>In re</i> [48,381]	826	
Corbin v. Ohio Bureau of Employment Servs.	1537	
F., <i>In re</i> [48,367]	826	
Hins v. Lucas Western	698	
Metal Powder Products v. ADMR, Ohio Bureau of Employment Servs.	576	
Mohiuddin v. Alabama Dep't of Indus. Relations	698	
Richardson v. Mississippi Employment Sec. Comm'n	237	
Russell v. Review Bd. of Ind. Dep't of Employment & Training Servs. [47,037]	470	
♦ Employer-Designated Vacation time		
Keays v. Florida Unemployment Appeals Comm'n [47,924]	211	
♦ Health Reasons		
Nelson v. Industrial Claim Appeals Office of Colo.	470	
♦ Labor Disputes		
Celestino v. California Unemployment Ins. Appeals Bd. [48,493]	954	
T.B. Wood's Sons v. Unemployment Compensation Bd.	1537	
♦ Leave of Absence		
Keays v. Florida Unemployment Appeals Comm'n [47,924]	211	
♦ Migrants		
Rivera v. Board of Review	697	
♦ Part-Time Workers		
Corning Glass v. Unemployment Compensation Bd. of Rev.	1537	
Eastern Motor Inns v. Virginia Employment Comm'n	850	
♦ Refusal to Accept Employment		
♦ Good Cause		
Mercer County Bd. of Educ. v. Gatson	237	

♦ Retirees	
McKean-Coffman v. Employment Div.	237
♦ Search for Work	
T., <i>In re</i> [48,071]	342
♦ Self-Employed Workers	
R., <i>In re</i> [48,251]	678
♦ Standards	
Henize v. Giles [40,271]	471
♦ Wage Credits	
Capitol Castings Inc. v. Arizona Dep't of Econ. Sec.	470
Naples v. Commissioner of Dep't of Employment & Training	576
♦ Voluntarily Leaving	
♦ Choice of Being Fired	
Madisonville Consol. Indep. Sch. Dist. v. Texas Employment Comm'n	238
♦ Good Cause	
R., <i>In re</i> [48,251]	678
♦ Change in Terms of Employment	
Berkowitz v. Scudder, Stevens & Clark [48,583]	1382
Boyd v. Administrator, Ohio Bureau of Employment Servs. [47,980]	211
Doe v. Sears, Roebuck & Co. [47,990]	212
Madisonville Consol. Indep. Sch. Dist. v. Texas Employment Comm'n	238
Quinn, Gent, Buseck & Leemhuis, Inc., v. Unemployment Bd. of Rev.	698
♦ Discrimination	
Brooks, <i>In re</i> [48,541]	955
♦ Fault of Employer	
Madisonville Consol. Indep. Sch. Dist. v. Texas Employment Comm'n	238
Parnell v. River Bend Carriers, Inc.	698
Taylor v. Ohio Unemployment Compensation Bd. of Rev.	1537
Tomel v. General Motors Corp.	975
♦ Health Reasons	
Berkowitz v. Scudder, Stevens & Clark [48,583]	1382
Johnson v. United States Textiles Corp.	360
Sedo, <i>In re</i> [48,709]	1507
Sharp v. Employment Appeal Bd.	236

♦ Relocation of Spouse	
Austin v. Berryman [42,895]	360

Emergency Unemployment Compensation Act

Davis, <i>In re</i> [48,284]	677
T., <i>In re</i> [48,071]	342

Fraud

♦ False Statements

Mohiuddin v. Alabama Dep't of Indus. Relations	698
--	-----

Hearings

Parks v. Board of Review of W. Va. Dep't of Employment Sec. [48,786]	1619
Sturgeon, <i>In re</i> [48,067]	342

♦ Full and Impartial

Corbin v. Ohio Bureau of Employment Servs.	1537
Holman, <i>In re</i> [48,517]	955

♦ Notices

Rivera v. Board of Review, N.J. Dep't of Labor [48,196]	447
---	-----

♦ Presumptions

Kansas City Club v. Labor & Indus. Relations Comm'n	1536
Wagstaff v. Department of Employment Sec.	471

Injury

White v. Employment Appeal Bd.	974
--	-----

Recoupment

Sievertsen v. Employment Appeal Bd.	575
---	-----

♦ Overpayments

Smith v. Masterson Personnel, Inc.	576
--	-----

♦ Waiver

Gibson, <i>In re</i> [48,471]	825
Munoz-Navarette v. Industrial Claim Appeals Office	975

Trade Readjustment Assistance Act

♦ Notice

Foreman v. Texas Employment Comm'n	576
--	-----

UNIONS

- > See EMPLOYMENT, EMPLOYMENT
DISCRIMINATION

VETERANS

- > See MILITARY

WELFARE

- > See also AID TO FAMILIES WITH
DEPENDENT CHILDREN, FOOD PROGRAMS,
MEDICAID, MEDICAL ASSISTANCE
PROGRAMS, SOCIAL SECURITY
PROGRAMS, SUPPLEMENTAL SECURITY
INCOME

Adequacy of Benefits

- Barnett v. California Dep't of Social Servs.
[48,129] 449
Golding v. Kaladain [48,007] 218
Threatt v. New Jersey Dep't of Human Servs.
[48,723] 1515

Administration

- B., *In re* [48,004] 218
Cummings v. Towle [48,279] 679

♦ Correction of Agency Error

♦ Prompt Processing

- Grycza v. Burchett [48,183] 454
Grycza v. Steger [48,183] 831

♦ County Lack of Funds

- Washington v. Board of Supervisors of
San Diego County [47,789] 1512

♦ Duty to Inform Recipients of Rights

- Blake v. Young [48,044] 345
Wiedmeier v. North Dakota Dep't of
Human Servs. [46,878] 215, 1384

♦ Hearings

- Randel v. Donovan [48,713] 1509
Taylor v. Miller [48,477] 1514
Torres, *In re* [48,586] 1386
Varshavsky v. Perales [46,484] 453

♦ Procedures

- Childs v. Bane [48,773] 1618

♦ Promulgation of Rules and Regulations

- Kelly v. Kaladjian [48,344] 830

♦ Notice

- Avanzo v. Fallon [48,711] 1516

♦ Rulemaking

♦ Citizen Participation

- Taylor v. Miller [48,477] 1514

Application Procedures

- Corriea v. Massachusetts Dep't of Pub.
Welfare [48,529] 959, 1622
Fauntleroy v. Staszak [48,087] 343
Gates v. Miller [47,852] 214

Assets

- Williams v. Raiford [48,532] 955

Available Income

- Hiller v. Adams County 361
Stearns, *In re* [47,824] 191
Vincent v. Town of Lancaster [48,737] 1515

Benefits

♦ Levels

- Beno v. Sullivan [48,727] 1508
Judy v. Schaefer [48,649] 1514
Quattlebaum v. Dixon [46,979] 344
Stowell v. Ives [48,102] 342

Budgets

- Barnes v. Secretary of Admin. 472

Child Care Services

♦ Denial

- Barnett v. Commissioner, Me. Dep't of
Human Servs. [48,101] 343
Maynard v. Williams [48,528] 956

Child Support

- Howe v. Ellenbecker [45,531] 548, 806

♦ Collection

- Barnes v. Healy [45,717] 1382
King v. Bradley [47,992] 185
Oliphant v. Bradley [46,914] 563
Wayne County Bureau of Support v. Wolfe 850

♦ Assignment

- Hill v. Ibarra 361

Delayed Payments

Darts v. Ibarra [48,098]	342
Gates v. Miller [47,852]	214

Education and Training Services

Nevers v. Commissioner, Me. Dep't of Human Servs. [48,564]	1385
---	------

Eligibility

Grycza v. Burchett [48,183]	454
Ramirez v. Perales [48,211]	566

♦ **Conditional**

Frischer, <i>In re</i> [48,476]	832
---	-----

♦ **Refusal to Sign Liens on Real Property**

Frischer, <i>In re</i> [48,476]	832
---	-----

Emergency Assistance

Corriea v. Massachusetts Dep't of Pub. Welfare [48,529]	959, 1622
Fauntleroy v. Staszak [48,087]	343
Kelly v. Kaladjian [48,344]	830

♦ **Due Process**

Feeling v. Barry [36,026]	451
-------------------------------------	-----

♦ **Prompt Processing**

Feeling v. Barry [36,026]	451
-------------------------------------	-----

♦ **Restrictive Interpretation**

Woe v. Gallant [48,261]	680
-----------------------------------	-----

Fraud♦ **Overpayments**

Howard, <i>In re</i> [48,682]	1516
---	------

General Assistance

Duncan v. Gallant [48,358]	960
--------------------------------------	-----

♦ **Administrative Practices**

Bivens v. Crowell [46,202]	1511
Blake v. Young [48,044]	1515
Cummings v. Towle [48,279]	679

♦ **Appeals**♦ **Notices**

Blake v. Young [48,044]	1515
Duncan v. Gallant [48,358]	830
Henson v. East Lincoln Township [30,808]	1510

♦ **Applications**

Blake v. Young [48,044]	345
-----------------------------------	-----

♦ **Discouragement**

Blake v. Young [48,044]	1515
Cummings v. Towle [48,279]	679
Mapes v. County of Washoe, Nev. [48,472]	830

♦ **Benefit Levels**

Daugherty v. Wallace [48,158]	453
Emerson v. Clarke [47,851]	216
Judy v. Schaefer [48,649]	1514
Melton v. Rowe [48,423]	958

♦ **Cost-of-Living Increases**♦ **Duty to Provide**

Emerson v. Clarke [47,851]	216
--------------------------------------	-----

♦ **Eligibility**

Henson v. East Lincoln Township [30,808]	1510
Hiller v. Adams County	361

♦ **Aid to Permanently and Totally Disabled**

Brown v. Kelly [47,460]	216
-----------------------------------	-----

♦ **Conditions**

Mapes v. County of Washoe, Nev. [48,472]	830
--	-----

♦ **Employable Persons**

Washington v. Board of Supervisors of San Diego County [47,789]	216, 829, 1512
--	----------------

♦ **Residency Requirements**

Jones v. Milwaukee County [44,197]	215, 1512
Mapes v. County of Washoe, Nev. [48,472]	830
Montgomery v. Kipper [48,608]	1385
Steffen v. Mitchell [47,194]	566

♦ **Standards**

Avanzo v. Fallon [48,711]	1516
Bivens v. Crowell [46,202]	1511
Bullock v. Whiteman [47,461]	959

♦ **Emergency Assistance**

Barnes v. Secretary of Admin.	472
Duenas v. Concannon [48,421]	957

♦ **Hearings**♦ **Timely Decisions**

Randel v. Donovan [48,713]	1509
--------------------------------------	------

♦ Income	
Mary, <i>In re</i> [48,548]	938
♦ Job Search	
Bivens v. Crowell [46,202]	1511
Washington v. Board of Supervisors of San Diego County [47,789]	216, 829
♦ Reduction	
Bullock v. Whiteman [47,461]	959
Daugherty v. Wallace [48,158]	453
Emerson v. Clarke [47,851]	216
Howell v. Heim [48,147]	452
♦ Notices	
Avanzo v. Fallon [48,711]	1516
Melton v. Rowe [48,423]	958
♦ Reimbursement	
Hodges v. Adult & Family Servs. Div.	472
♦ Residency Requirements	
Jones v. Milwaukee County [44,197]	215, 565
Montgomery v. Kipper [48,608]	1385
Steffen v. Mitchell [47,194]	566
♦ Shelter Allowance	
Goodwin v. Phelps [46,334]	831
Threatt v. New Jersey Dep't of Human Servs. [48,723]	1515
♦ Termination	
Daugherty v. Wallace [48,158]	453
Fowler v. Heim [48,146]	451
Howell v. Heim [48,147]	452
♦ Notice	
Duncan v. Gallant [48,358]	830
Little v. Kelly [47,460]	216, 959
Saxon v. Department of Social Servs. [47,103]	239
♦ Pretermination Hearings	
Little v. Kelly [47,460]	216, 959
♦ Unemployables	
Montgomery v. Kipper [48,608]	1385
Hearings	
♦ Arbitrary and Capricious	
Montgomery v. Kipper [48,608]	1385
♦ Decisions	
♦ Final Determinations	
Randel v. Donovan [48,713]	1509
♦ Notice	
Torres, <i>In re</i> [48,586]	1386
♦ Home Hearings	
Varshavsky v. Perales [46,484]	453
♦ Prompt Processing	
Basel v. Bielaczyc [20,193]	1601
♦ Telephone Hearings	
Taylor v. Miller [48,477]	830, 1514
Varshavsky v. Perales [46,484]	453
Home Relief	
Minino v. Perales	467
♦ Assets	
♦ Limits	
Frischer, <i>In re</i> [48,476]	832
♦ Available Income	
Rice v. Perales [48,346]	831
♦ Reductions	
Rice v. Perales [48,346]	831
Lump Sum Payments	
Hamilton v. Yeutter [43,557]	327
Overpayments	
♦ Liability	
Martin v. Illinois Dep't of Pub. Aid [47,993]	217
♦ Recoupment	
Jennings v. Ibarra [48,097]	344
Privacy	
Grycza v. Steger [48,183]	831
Prompt Processing	
Doe v. Whitburn [46,427]	194
Records	
♦ Confidentiality	
Grycza v. Steger [48,183]	831

Recoupment♦ **Liability**Iowa *ex rel.* Mack v. Mack 239♦ **Overpayments**Alabama *ex rel.* Van Buren County Dep't
of Social Servs. v. Dempsey 850Iowa *ex rel.* Mack v. Mack 239Kramarevsky v. Washington Dep't of
Social & Health Servs. [46,946] 240♦ **Tax Refund**

Jennings v. Ibarra [48,097] 344

ReimbursementAlabama *ex rel.* Van Buren County
Dep't of Social Servs. v. Dempsey 850

Hodges v. Adult & Family Servs. Div. 472

Rent SupplementThreatt v. New Jersey Dep't of Human
Servs. [48,723] 1515**Residency Requirements**

Hardin County v. Franklin County 1632

Jones v. Milwaukee County [44,197] 215, 565

Steffen v. Mitchell [47,194] 566

Woe v. Gallant [48,261] 680

Savings AccountsMercado v. Commissioner of Income
Maintenance [48,173] 564**Standard of Need**California Homeless & Hous. Coalition v.
Healy [48,213] 566**Termination**K. v. Bergen County Bd. of Social Servs.
[48,619] 1386**Time Limitations**

Massey v. Bryant-Banks [46,721] 828

Transportation Benefits

Vincent v. Town of Lancaster [48,737] 1515

Utility Grants♦ **Energy Assistance**Cabinet for Human Resources, Ky. v.
Northern Ky. Welfare Rights Ass'n
[46,422] 361♦ **Unpaid Bills**

Goodwin v. Perales [48,299] 681

Work Incentive Program

Beno v. Sullivan [48,727] 1508

Maine Ass'n of Interdependent
Neighborhoods v. Ives [48,094] 564Nevers v. Commissioner, Me. Dep't of
Human Servs. [48,564] 1385**Work Requirements**Maine Ass'n of Interdependent
Neighborhoods v. Ives [48,094] 564Nevers v. Commissioner, Me. Dep't of
Human Servs. [48,564] 1385Washington v. Board of Supervisors of
San Diego County [47,789] 216, 829**WOMEN'S RIGHTS****Battered Women**

Heard v. Heard [47,773] 808

♦ **Legal Options**

Seabolt v. Ashley [48,034] 186

♦ **Welfare Benefit Programs**King, *In re* [48,767] 1608**Reproductive Rights**General Considerations for Clinical
Evaluation of Drugs, *In re* [48,736] 1492**Sexual Harassment**

M. v. R. [47,985] 205

Rodgers v. Brawley [48,066] 337

United States v. Dana Properties, Inc.
[47,987] 204**WORKERS' COMPENSATION**

Mentzer v. Van Scyoc [48,073] 322, 803

Benefit Levels

Saylor v. Parker Seal Co. 1394

ZONING

Discrimination

- Horizon Hous. Dev. Servs. v. Township of
Upper Southampton [45,191] 806

- Stewart B. McKinney Found. v. Town
Plan & Zoning Comm'n of Fairfield,
Conn. [48,093] 547

Low-Income Housing

- San Mateo County Coastal Landowner's
Ass'n v. County of San Mateo
[47,978] 207

Ordinances

- Chapter 15, San Francisco Admin. Code,
Sec. 15.7, *in re* [47,983] 206

♦ Group Homes

- Campbell v. City Council of Lynn 468
Horizon Hous. Dev. Servs. v. Township of
Upper Southampton [45,191] 806
Tellurian U.C.A.N. v. Goodrich [45,192] 338

Residential Facilities

♦ Foster Home Residence

♦ *Single-Family Restrictions*

- United States v. City of Taylor, Mich. 1392

♦ Group Homes

- Stewart B. McKinney Found. v. Town
Plan & Zoning Comm'n of Fairfield,
Conn. [48,093] 323

♦ *Mentally Retarded*

- Tellurian U.C.A.N. v. Goodrich [45,192] 338 ♦

Case Developments & Advance Sheet Highlights

Case Table

This is an alphabetical listing by case name of cases that appeared in the CLEARINGHOUSE REVIEW for the period covered by this Index (Vol. 26 ♦ Nos. 1-12 (Special Issue 1992 to April 1993)). The numbers in brackets (such as [48,784]) are Clearinghouse Numbers and must accompany all document reprint requests. Cases without Clearinghouse Numbers were reported in the "Advance Sheet Highlights" section of the CLEARINGHOUSE REVIEW. Official citations to cases in this "Case Table" are current as of June 1993.

A

<i>A., In re</i> (SSA Office of Hearings & App. Jan. 29, 1993) [48,784]	1619	<i>Afanador v. Sullivan</i> , No. C-90-20346-JW (N.D. Cal. July 10, 1992) [48,263]	653
<i>A., In re</i> (SSA Office of Hearings & App. June 18, 1992) [48,230]	552	<i>Aguilar-Ayala v. Ruiz</i> , 973 F.2d 411 (5th Cir. 1992)	1398
<i>A., C., In re</i> , 603 N.E.2d 1171 (Ill. Ct. App. 1992)	1527	<i>Aguirre v. Aurora Hous. Auth.</i> , No. 91 C 7847 (N.D. Ill. Jan. 2, 1991) [48,776]	1614
<i>A-4703, In re</i> [48,283]	681	<i>Akers v. Secretary of HHS</i> , 966 F.2d 205 (6th Cir. 1992)	833
<i>A. v. McCoy</i> , No. 90-1151-FR (D. Or. Apr. 23, 1992) [46,267]	443	<i>Akins v. Sullivan</i> [47,995]	208
<i>A., C.G. v. Alaska</i> , 824 P.2d 1364 (Alaska 1992)	360	<i>Alabama ex rel. Van Buren County Dep't of Social Servs. v. Dempsey</i> , 600 So. 2d 1019 (Ala. Civ. App. 1992)	850
<i>Abbey v. Sullivan</i> , 788 F. Supp. 165 (S.D.N.Y. 1992); 978 F.2d 37 (2d Cir. 1992)	572, 1525	<i>Alaska v. Kluti Kaah Native Village</i> , 831 P.2d 1270 (Alaska 1992)	846
<i>Abbott v. Farm Credit Bank of Omaha</i> , 953 F.2d 1097 (8th Cir. 1992)	235	<i>Alber v. Illinois Dep't of Mental Health & Developmental Disabilities</i> , 786 F. Supp. 1340 (N.D. Ill. 1992)	459
<i>Aborn v. Sullivan</i> , 959 F.2d 111 (8th Cir. 1992)	469	<i>Albiston v. Commissioner, Me. Dep't of Human Servs.</i> [46,688]	1622
<i>Accounts Management, Inc. v. Williams</i> , 484 N.W.2d 297 (S.D. 1992)	686	<i>Aldrich v. Sullivan</i> , 800 F. Supp. 1197 (D. Vt. 1992) [30,542]	1535
<i>Adams v. Colorado Dep't of Social Servs.</i> , 824 P.2d 83 (Colo. Ct. App. 1991) [43,865]	228	<i>Aldridge v. Ward</i> , No. 92-CH-9 (Ill. Cir. Ct. Marion County Apr. 2, 1992) [48,092]	339
<i>Adams v. James</i> , 797 F. Supp. 940 (M.D. Fla. 1992)	1401	<i>Alexander v. Department of Health & Rehabilitative Servs.</i> , 590 So. 2d 1081 (Fla. Dist. Ct. App. 1991)	227
<i>Addison v. Sedco Forex, U.S.A.</i> , 798 F. Supp. 1273 (N.D. Tex. 1992)	1524	<i>Alexander v. Flaherty</i> , No. C-C-74-183-M (W.D.N.C. Mar. 20, 1992) [13,475]	214
<i>Adkinson v. Harpeth Ford-Mercury, Inc.</i> , No. 01-A-01-9009-CH-00332 (Tenn. Ct. App. Feb. 15, 1991) [47,926]	1357	<i>Alford, Ex parte</i> , 827 S.W.2d 72 (Tex. Ct. App. 1992)	463

Alford v. Alford, 594 So. 2d 843 (Fla. Dist. Ct. App. 1992)	461	Anwiler, <i>In re</i> , 958 F.2d 925 (9th Cir. 1992)	457
Alford v. Sullivan, 791 F. Supp. 1483 (D. Kan. 1992)	848	Apartment Ass'n of Greater Los Angeles v. Lungren, No. BC 044 662 (Cal. Super. Ct. Los Angeles County Aug. 6, 1992) [48,416]	804
Allbritton v. Secretary of HHS, 796 F. Supp. 35 (D. Mass. 1992)	1389	Apartment Ass'n of Los Angeles County v. City of Los Angeles, No. BO60412 (Cal. Ct. App. July 15, 1992) [48,497]	945
Allen v. Crawford, 591 So. 2d 887 (Ala. Civ. App. 1991)	237	Arcadia Unified School v. California Dep't of Educ., 825 P.2d 438 (Cal. 1992)	352
Allen v. Utah Dep't of Health, 829 P.2d 122 (Utah Ct. App. 1992) [48,009]	194	Arias v. G & K Management, No. C 652 662 (Cal. Super. Ct. Los Angeles County Jan. 17, 1992) [47,989]	200
Allery v. Swimmer, 779 F. Supp. 126 (D.N.D. 1991)	233	Arizona Dep't of Economic Sec. v. Superior Court, 832 P.2d 705 (Ariz. Ct. App. 1992)	844
All Indian Pueblo Council v. United States, 975 F.2d 1437 (10th Cir. 1992)	1399	Arizona Dep't of Revenue v. Dillon, 826 P.2d 1186 (Ariz. Ct. App. 1992)	468
Alpena Friend of the Court v. Durecki, 491 N.W.2d 864 (Mich. Ct. App. 1992)	1521	Arkansas v. Sullivan, 969 F.2d 622 (8th Cir. 1992)	968
American Ass'n for Senior Citizens, <i>In re</i> , No. 92-3391 (Mass. Super. Ct. Suffolk County May 31, 1992) [48,274]	673	Armentrout v. NHP Property Management [48,539]	944
American Commercial Colleges, Inc. v. Davis, 821 S.W.2d 450 (Tex. Ct. App. 1991)	222	Arney, <i>In re</i> , 588 N.E.2d 296 (Ohio Ct. App. 1991)	356
American Fed'n of Gov't Employees v. Barr, 794 F. Supp. 1466 (N.D. Cal. 1992)	963	Arnold v. Lewis, 803 F. Supp. 246 (D. Ariz. 1992)	1531
American Friends Serv. Comm. v. Thornburgh, 951 F.2d 957 (9th Cir. 1991)	221	Arnold Murray Constr. v. Wittrock, 487 N.W.2d 33 (S.D. 1992)	969
Anaya v. Sullivan, 779 F. Supp. 509 (D. Colo. 1991)	236	Aronow v. District of Columbia, 780 F. Supp. 46 (D.D.C. 1992)	347
Anderson v. Collis [48,693]	1486	Ash v. Lake Oswego Sch. Dist., 980 F.2d 585 (9th Cir. 1992)	1627
Anderson v. Douglas & Lomason Co. No. DC 85-160-LS-O (N.D. Miss. July 21, 1992) [48,357]	810	Associated Gen. Contractors of Conn. v. New Haven, 791 F. Supp. 941 (D. Conn. 1992)	835
Anderson v. Little League Baseball, Inc., 794 F. Supp. 342 (D. Ariz. 1992)	964	AT&T Information Sys. v. Wallemann, 827 S.W.2d 217 (Mo. Ct. App. 1991)	572
Anderson v. Live Plants, Inc., 419 S.E.2d 305 (W. Va. 1992)	965	Atkinson v. Atkinson, 616 A.2d 22 (Pa. Super. Ct. 1992)	1522
Anderson v. Sullivan, 806 F. Supp. 134 (E.D. Tex. 1992) [48,664]	1380	Atlantic Mut. Ins. Co. v. McFadden, 595 N.E.2d 762 (Mass. 1992)	843
Angell v. Henneberry, 607 A.2d 590 (Md. Ct. Spec. App. 1992)	696	Atoka State Bank v. Finch [48,167]	559
Angevine v. Smith, 959 F.2d 292 (D.C. Cir. 1992) [48,008]	186	Attorney General v. Rannie Webster Found., No. 88-E-219 (N.H. Super. Ct. Rockingham County June 24, 1992) [48,363]	822
Anonymous, <i>In re</i> (HHS Office of Hearings & App. Feb. 10, 1992) [47,858]	209	Aufox v. Board of Educ. of Township High School Dist. No. 113, 588 N.E. 2d 316 (Ill. Ct. App. 1992)	464
Anonymous Fireman v. City of Willoughby, 779 F. Supp. 402 (N.D. Ohio 1991)	226	Austin v. Berryman, 955 F.2d 223 (4th Cir. 1992) [42,895]	360
Anthony v. Sullivan, 802 F. Supp. 1317 (W.D. Pa. 1991)	1535	Avanzato v. Secretary of HHS, No. 91-30205-F (D. Mass. Feb. 14, 1992) [47,193]	213, 1510
Anthony v. Sullivan, 954 F.2d 289 (5th Cir. 1992)	358		

Avanzo v. Fallon, No. 92-6294 (R.I. Super. Ct. Providence County Dec. 21, 1992) [48,711]	1516
Aviles v. Kunkle, 978 F.2d 201 (5th Cir. 1992)	1529
Ayuda, Inc. v. Thornburgh, 948 F.2d 742 (D.C. Cir. 1991)	229
Azevedo v. Housing Auth. of City of Sarasota, 805 F. Supp. 938 (M.D. Fla. 1992)	1527
Aziz v. Sullivan, 800 F. Supp. 1374 (E.D. Va. 1992) [47,558]	1498

B

B., <i>In re</i> , 492 N.W. 2d 350 (Wis. Ct. App. 1992)	1520
B., <i>In re</i> (SSA Office of Hearings & App. Dec. 28, 1992) [48,714]	1503
B., <i>In re</i> , No. 92-SHTO-238 (Ohio Dep't of Human Servs. June 16, 1992) [48,382]	832
B., <i>In re</i> (SSA Office of Hearings & App. May 28, 1992) [48,386]	824
B., <i>In re</i> , No. 1630200H (N.Y. Dep't of Social Servs. Jan. 18, 1991) [48,401]	806
B., <i>In re</i> (SSA Office of Hearings & App. Dec. 19, 1992) [48,761]	1612
B., <i>In re</i> , No. 1755122N (N.Y. Dep't of Social Servs. Mar. 13, 1992) [48,004]	218
B., A.D., <i>In re</i> , 818 P.2d 483 (Okla. 1991)	230
B., C., Matter of the Paternity of, <i>In re</i> , 592 N.E.2d 692 (Ind. Ct. App. 1992)	688
B., C.M., <i>In re</i> , 478 N.W.2d 385 (Wis. 1992)	231
B., D.A., <i>In re</i> , 483 N.W.2d 550 (Neb. 1992)	693
B., Estate of, <i>In re</i> (SSA Office of Hearings & App. Apr. 9, 1992) [48,204]	553
B., L.C., the Mental Health of, <i>In re</i> , 830 P.2d 1299 (Mont. 1992)	694
B., S.M., <i>In re</i> , 597 So. 2d 848 (Fla. Dist. Ct. App. 1992)	693
B. v. Concannon, No. 92-551-JE (D. Or. Nov. 23, 1992) [48,124]	446, 1377
Babb v. Knox County School System, 965 F.2d 104 (6th Cir. 1992)	836
Babbitt v. Michigan Dep't of Social Servs. [46,619]	1508
Bach v. Steinbacher, 609 N.E.2d 607 (Ohio Ct. App. 1992) [48,383]	825
Bacon v. Secretary of HHS, 786 F. Supp. 434 (D.N.J. 1992)	456
Bacon v. Sullivan, 969 F.2d 1517 (3d Cir. 1992) [46,478]	340, 974

Bailey v. Rockford Hous. Auth. [48,187]	441
Baker v. Director of Ark. Employment Sec. Dep't, 832 S.W.2d 864 (Ark. Ct. App. 1992)	975
Baker v. Secretary of HHS, 955 F.2d 552 (8th Cir. 1992)	358
Baker v. Sullivan, 956 F.2d 234 (11th Cir. 1992)	347
Baker v. Webster County, Iowa, 487 N.W.2d 321 (Iowa 1992)	972
Balkissoon v. Williams, No. 90-59070 (D.C. Super. Ct. Dec. 27, 1991) [47,822]	205
BancOhio Nat'l Bank v. Quito, No. 1731 (Ohio Ct. App. Mar. 16, 1992) [48,373]	804
Bangerter v. Orem City Corp., 797 F. Supp. 918 (D. Utah 1992)	1399
Banks v. Indiana Family & Social Servs. Admin., 790 F. Supp. 1427 (N.D. Ind. 1992)	690
Banner v. Fall River Hous. Auth., No. 91-01289 (Mass. Super. Ct. Bristol County Aug. 15, 1991) [48,194]	441
Barajas v. Coye [48,766]	1609
Barnes, <i>In re</i> , 969 F.2d 526 (7th Cir. 1992)	962
Barnes v. Healy, 980 F.2d 572 (9th Cir. 1992) [45,717]	1382
Barnes v. Maytag Corp., 799 F. Supp. 926 (S.D. Ill. 1992)	1394
Barnes v. Secretary of Admin., 586 N.E. 2d 958 (Mass. 1992)	472
Barnett v. California Dep't of Social Servs., No. 91-16349 (9th Cir. Apr. 28, 1992) [48,129]	449
Barnett v. Commissioner, Me. Dep't of Human Servs., 608 A.2d 769 (Me. 1992) [48,101]	343, 453
Barnhart, Estate of, <i>In re</i> , 597 N.E.2d 1238 (Ill. App. Ct. 1992)	971
Barnhill v. Johnson, 112 S. Ct. 1386 (1992)	348
Barry v. Whalen, 796 F. Supp. 885 (E.D. Va. 1992)	1401
Basel v. Bielaczyc, [20,193]	1601
Bahsan v. Freda, [48,572]	1368
Bates v. C & S. Adjusters, Inc., 980 F.2d 865 (2d Cir. Dec. 2, 1992) [48,686]	1483
Baum v. Madigan, 979 F.2d 438 (6th Cir. 1992) [43,474]	1489
Baumgardner v. Secretary of HUD, 960 F.2d 572 (6th Cir. 1992)	573
Bautista v. Healey [48,328]	680

Baxter, <i>In re</i> , No. SDSD-T9208 (Or. Dep't of Human Resources Senior & Disabled Servs. Div. July 2, 1992) [48,296]	668	Big Beaver Falls Area School Dist. v. Jackson, 615 A.2d 910 (Pa. Commw. Ct. 1992)	1523
Bazzy v. Hollins [48,798]	1605	Biggs v. Missouri Comm'n on Human Rights, 830 S.W.2d 512 (Mo. Ct. App. 1992)	843
Beauchamp v. Aspen Square Management, No. 210,465 (Texas County Ct. Travis County Aug. 21, 1992) [48,495]	944	Bischof v. Kern, 595 N.E.2d 802 (Mass. App. Ct. 1992)	834
Beck v. Interstate Brands Corp., 953 F.2d 1275 (11th Cir. 1992)	226	Bivens v. Crowell, No. C-90-318-S (D.N.H. Oct. 21, 1992) [46,202]	1511
Becker County Human Servs. v. Peppel, 493 N.W.2d 573 (Minn. Ct. App. 1992) [48,247]	675, 1505	Black v. Michigan Dep't of Social Servs., 489 N.W.2d 493 (Mich. Ct. App. 1992) [48,249]	680
Begley v. Secretary of HHS, 986 F.2d 196 (6th Cir. 1992) [43,966]	427	Black v. Sullivan, 793 F. Supp. 45 (D.R.I. 1992)	849
Bell v. Ancillary Home Health Care [47,998]	195	Blackwell v. City of Hendersonville, N.C., No. 92 CVS 549 (N.C. Super. Ct. Henderson County June 12, 1992) [48,217]	555
Bell v. Whitburn, No. 91-C-0954-S (W.D. Feb. 10, 1992) [47,208]	178	Blair v. Board of Educ., Pleasant Valley School Dist. #62, Peoria County [48,163]	433
Bellwood, <i>In re</i> (SSA Office of Hearings & App. July 24, 1992) [48,364]	814	Blake v. Young, No. 90-E-054 (N.H. Super. Ct. Sullivan County Oct. 27, 1992) [48,044]	345, 1515
Belue v. Belue, 828 S.W.2d 855 (Ark. Ct. App. 1992)	688	Blanks v. Smith, 790 F. Supp. 192 (E.D. Wis. 1992)	696
Benavidez v. City of Reno, Nev. [48,467]	816	Blessing, <i>In re</i> , No. 32692 (Minn. Dep't of Human Servs. Jan. 13, 1993) [48,777]	1613
Bennett v. Arrington, 806 F. Supp. 926 (N.D. Ala. 1992) [48,359]	809	Blilie, <i>In re</i> , 484 N.W.2d 34 (Minn. Ct. App. 1992)	574
Bennett v. D.L. Claborn Buick, Inc., 414 S.W.2d 12 (Ga. Ct. App. 1991)	350	Bloodsaw v. Sullivan, 783 F. Supp. 227 (E.D. Pa. 1992) [46,921]	359, 674
Bennett v. Jett, 966 F.2d 207 (7th Cir. 1992)	840	Bomar Credit Corp. v. Payne, No. 1:90-cv-1255-ODE (N.D. Ga. Feb. 20, 1992) [46,786]	318, 655
Beno v. Sullivan [48,727]	1508	Bloom v. I.C. Sys., Inc., 972 F.2d 1067 (9th Cir. 1992)	1391
Benson v. Hackbarth, 481 N.W.2d 375 (Minn. Ct. App. 1992)	462	Blount v. Local Union 25, 984 F.2d 244 (8th Cir. 1993) [48,768]	1607
Benson v. Orange County, 788 F. Supp. 1123 (C.D. Cal. 1992)	574	Blue v. Unemployment Compensation Bd. of Rev., 616 A.2d 84 (Pa. Commw. Ct. 1992)	1537
Berkowitz v. Scudder, Stevens & Clark, No. 092-31476 (N.Y. State Dep't of Labor Sept. 21, 1992) [48,583]	1382	Board of Educ., Sacramento City Unified School Dist. v. Holland, 786 F. Supp. 874 (E.D. Cal. 1992)	458
Berrier v. Allen, 951 F.2d 622 (4th Cir. 1991)	233	Boccardo v. New Bedford Hous. Auth., No. 92 CV 00077 (Mass. Hous. Ct. Bristol County July 17, 1992) [48,544]	942
Berrios v. City of Lancaster, 798 F. Supp. 1153 (E.D. Pa. 1992)	1528	Bogan v. Smith, 601 A.2d 379 (Pa. Commw. Ct. 1990)	224
Berrios v. Department of Pub. Welfare, 583 N.E.2d 856 (Mass. 1992)	229	Bogutz, <i>In re</i> (SSA Office of Hearings & App. Oct. 20, 1992) [47,282]	1367
Bertrand v. Sullivan, 976 F.2d 977 (5th Cir. 1992)	1388	Boles v. Kemp [48,246]	554
Besaw v. Secretary of HHS, 966 F.2d 1028 (6th Cir. 1992)	847		
Besler v. Sullivan, 963 F.2d 176 (8th Cir. 1992)	696		
Beth, <i>In re</i> , 587 N.E.2d 1377 (Mass. 1992)	353		
Bethphage Lutheran Servs. v. Welcker, 965 F.2d 1239 (2d Cir. 1992)	841		

Boller v. Key Bank of Wyo., No. 90-240 (Wyo. Sup. Ct. Apr. 3, 1992) [48,042]	339
Bonilla, <i>In re</i> , No. BR-50412-OP (Mass. Dep't of Employment & Training Bd. of Review Dec. 10, 1992) [48,718]	1508
Booth v. Employment Sec. Comm'n, 588 So. 2d 422 (Miss. 1991)	237
Boren v. Deland, 958 F.2d 987 (10th Cir. 1992)	469
Boring v. Sullivan, No. 2:91-0429 (S.D. W. Va. Jan. 24, 1992); No. 2:91-0429 (S.D. W. Va. Oct. 5, 1992) [46,834]	801, 953
Borokinni v. INS, 974 F.2d 442 (4th Cir. 1992)	1398
Boronat v. Sullivan, 788 F. Supp. 557 (S.D. Fla. 1992)	563
Borst v. Sullivan, No. 91-1216-K (D. Kan. Mar. 20, 1992) [47,922]	340
Bosch v. Higher Educ. Assistance Found., No. 4-91-7747 (Bankr. D. Minn. June 2, 1992) [48,356]	801
Boshard v. Income Property Management, [48,679]	1500
Bosse v. Duvall, No. 14076 (Va. Cir. Ct. Loudoun County Mar. 6, 1992) [47,977]	200
Bowden, <i>In re</i> [48,510]	949
Bowie v. Arder, 490 N.W.2d 568 (Mich. 1992)	1519
Boyd v. Administrator, Ohio Bureau of Employment Servs., No. 91AA 080 364 (Ohio Ct. C.P. Tuscarawas County Feb. 19, 1992) [47,980]	211
Brad Ragan, Inc. v. Goggins, No. 91-019474 (Va. Dist. Ct. Roanoke County Mar. 23, 1992) [48,138]	432
Bragdon v. Maine Dep't of Human Servs. [47,830]	213
Brandyburg v. Sullivan, 959 F.2d 555 (5th Cir. 1992)	469
Bray v. Bane, No. 90-CV-831 (N.D.N.Y. June 10, 1992); No. 90-CV-831 (N.D.N.Y. Dec. 28, 1992) [48,027]	214, 452, 564, 1511
Brewster v. Sullivan, 972 F.2d 898 (8th Cir. 1992)	1402
Bridges v. Kemp [48,633]	1370
Briggs v. Sullivan, 954 F.2d 534 (9th Cir. 1992) [44,289]	359
Brill v. Hedges, 783 F. Supp. 340 (S.D. Ohio 1991)	355

Brock v. Secretary of HHS, 807 F. Supp. 1248 (S.D. W. Va. 1992)	1632
Brooks, <i>In re</i> , No. B-92-3-C-7 (Pa. Dep't of Labor & Indus. Unemployment Compensation Bd. of Review June 4, 1992) [48,541]	955
Brousseau v. Green Acres Mobile Homes, 609 A.2d 738 (N.H. 1992)	972
Broward Gardens Assocs. v. Walker, No. 92-04741-COCE-51 (Fla. County Ct. Broward County Apr. 30, 1992) [48,559]	1372
Brown, <i>In re</i> , No. 91-OAD-090-3 (D.C. Dep't of Consumer & Regulatory Affairs Office of Adjudication Feb. 20, 1992) [48,266]	667
Brown v. Amoco Oil Co., 793 F. Supp. 846 (N.D. Ind. 1992)	967
Brown v. Chiles [47,856]	204
Brown v. City of North Charleston, S.C. [48,254]	670
Brown v. Fay Apartments, 595 N.E.2d 190 (Ohio Mun. Ct. Hamilton County 1991)	686
Brown v. Nelson, (La. Dep't of Social Servs. Office of Family Support Oct. 28, 1992) [46,877]	331
Brown v. Philadelphia Hous. Auth. (<i>In re</i> Brown), No. 91-16026 F (Bankr. E.D. Pa. Jan. 21, 1993) [48,791]	1614
Brown v. Secretary of HHS, No. 90-CV-72646-DT (E.D. Mich. Sept. 27, 1991) [47,164]	675
Brown v. Williams, No. 91-54813 (28) (Fla. Cir. Ct. Dade County May 14, 1992) [47,856]	444
Brownlee v. Conine, 957 F.2d 353 (7th Cir. 1992)	357
Broyles v. Director, Office of Workers' Compensation Programs, 974 F.2d 508 (4th Cir. 1992)	1388
Brunner, <i>In re</i> , No. 92AP-113 (Ohio Ct. App. June 4, 1992) [48,378]	808
Bubnich v. Bubnich, No. 90 D 1802 (Ill. Cir. Ct. Lake County Aug. 5, 1991) [48,392]	808
Buchanan v. Ives, 793 F. Supp. 361 (D. Me. 1991)	964
Buehl v. Lehman, 802 F. Supp. 1266 (E.D. Pa. 1992)	1532
Bueno v. Adams County Hous. Auth. No. 92-S-859 (D. Colo. Aug. 31, 1992) [48,491]	939

Buffington v. Phelps Dodge Mining Co., 800 F. Supp. 951 (D.N.M. 1992)	1524
Bullock v. Whiteman, No. 89 C 4867 (Kan. Dist. Ct. Sedgwick County Aug. 7, 1992) [47,461]	959
Burke v. Cooney, No. 72156 (Cal. Super. Ct. San Luis Obispo County Aug. 4, 1992) [48,332]	659
Burke v. Nordberg, No. 92-7030 (Mass. Super. Ct. Suffolk County Dec. 18, 1992) [48,707]	1507
Burnett v. Ala Moana Pawn Shop, No. 90-267 ACK (D. Haw. Oct. 17, 1991) [46,771]	181
Burr v. Bowen, 782 F. Supp. 1285 (N.D. Ill. 1992)	347
Burrows v. Brady, 605 A.2d 1312 (R.I. 1992)	569
Burton v. Jardell, 589 So. 2d 610 (La. Ct. App. 1991)	231
Busalacchi, <i>In re</i> [46,370]	1491
Bush v. Commonwealth Edison Co., 778 F. Supp. 1436 (N.D. Ill. 1991)	226
Butler v. Derwinski, 960 F.2d 139 (Fed. Cir. 1992)	471
Butros v. INS, 804 F. Supp. 1336 (D. Or. 1991)	1528
Butt v. Richmond Unified School Dist. Bd. of Educ. [47,868]	189
Byrd, <i>In re</i> , 592 N.E.2d 259 (Ill. App. Ct. 1992)	694
Byrd v. Brown, No. 19788/90 (N.Y. Sup. Ct. Westchester County Oct. 8, 1992) [48,614]	1374

C

C., <i>In re</i> , No. 92006105 (Cal. Dep't. of Health Servs. June 19, 1992) [48,291]	666
C., <i>In re</i> (SSA Office of Hearings & App. Feb. 28, 1992) [48,083]	332
C., <i>In re</i> , No. R92-01377-0000 (Ohio Unemployment Compensation Bd. of Review Mar. 24, 1992) [48,381]	825
C., <i>In re</i> , No. 1034 Philadelphia 1991 (Pa. Super. Ct. Feb. 24, 1992) [48,231]	557
C., <i>In re</i> (SSA Office of Hearings & App. Dec. 29, 1992) [48,708]	1506
C., <i>In re</i> , No. 90-16199 FJ 02 (Fla. Cir. Ct. Dade County Aug. 19, 1991) [48,218]	558
C., Adoption of K.M., <i>In re</i> , 606 So. 2d 1262 (Fla. Dist. Ct. App. 1992)	1520
C., S., <i>In re</i> , 833 P.2d 1249 (Okla. 1992)	973
C., Steven, <i>In re</i> , 486 N.W.2d 572 (Wis. Ct. App. 1992)	839

C., T., <i>In re</i> , 492 N.W.2d 425 (Iowa 1992)	1630
C., J.S. v. Alabama Dep't of Mental Health & Mental Retardation, 595 So. 2d 485 (Ala. Ct. App. 1991)	468
Cabinet for Human Resources, Ky. v. Northern Ky. Welfare Rights Ass'n, 954 F.2d 1179 (6th Cir. 1992) [46,422]	361
Cahill v. Frank's Door & Bldg. Supply Co., 590 So. 2d 53 (La. 1991)	226
Calero v. INS, 957 F.2d 50 (2d Cir. 1992)	355
California Homeless & Hous. Coalition v. Healy [48,213]	566
Calloway v. Kanawha County Hous. & Redevelopment Auth., No. 2:91-0798 (S.D. W. Va. Jan. 30, 1992) [47,996]	199
Calvert v. HUN, 798 F. Supp. 1226 (N.D. W. Va. 1992)	1532
Cameron v. Hughes, 825 P.2d 882 (Alaska 1992)	350
Cameron v. Pilley, No. 91-4629 (E.D. La. June 24, 1992) [47,553]	551
Cameron v. Tomes, 783 F. Supp. 1511 (D. Mass. 1992)	356
Campbell v. City Council of Lynn, 586 N.E.2d 1009 (Mass. Ct. App. 1992)	468
Camper v. Goode, No. 89-4404 (E.D. Pa. Dec. 28, 1990) [48,168]	438
Campos v. Smith, 791 F. Supp. 262 (W.D. Wash. 1991)	692
Can Corp. v. Unemployment Compensation Bd. of Review, 616 A.2d 1069 (Pa. Commw. Ct. 1992)	1632
Candelaria v. Coughlin, 787 F. Supp. 368 (S.D.N.Y. 1992)	575
Capiello v. District of Columbia, 779 F. Supp. 1 (D.D. C. 1991)	224
Capitol Castings, Inc. v. Arizona Dep't of Econ. Sec., 828 P.2d 781 (Ariz. Ct. App. 1992)	470
Carlos, Adoption of, <i>In re</i> , 596 N.E.2d 1382 (Mass. 1992)	970
Caro-Galvan v. Curtis Richardson, Inc., 981 F.2d 501 (11th Cir. Jan. 20, 1993) [48,787]	1618
Carpenter v. North Carolina Dep't of Human Resources, 419 S.E.2d 582 (N.C. Ct. App. 1992) [48,525]	935
Carpenter-Taylor v. Kemp, No. 4-92-4 (D. Minn. May 12, 1992) [47,723]	553, 1493
Carraher v. Sullivan, 796 F. Supp. 1207 (S.D. Iowa 1992)	1403

Carrasco v. Farkas, No. 26756/92 (N.Y. Sup. Ct. Kings County Oct. 22, 1992) [48,584] . . .	1376	Chesir v. Housing Auth. of City of Milwaukee, 801 F. Supp. 244 (E.D. Wis. 1992)	1528
Carroll v. Sullivan, 802 F. Supp. 295 (C.D. Cal. 1992)	1533	Cheyenne-Arapaho Tribes v. United States, 966 F.2d 583 (10th Cir. 1992)	846
Carter v. Sullivan, 782 F. Supp. 1251 (N.D. Ill. 1991)	348	Chiapelli v. Viviano, 589 N.E.2d 198 (Ill. App. Ct. 1992)	461
Carver v. Carver, 954 F.2d 1573 (11th Cir. 1992)	349	Childs v. Bane, No. 7773-92 (N.Y. Sup. Ct. Albany County Jan. 25, 1992) [48,773] . . .	1618
Case #059054956007, <i>In re</i> , No. 059054956007 (Va. Dep't of Social Servs. Dec. 18, 1991) [48,553]	1386	Choate v. Lockhart, 779 F. Supp. 987 (E.D. Ark. 1991)	234
Case #761-009511009, <i>In re</i> (Va. Dep't of Social Servs. Feb. 24, 1992) [48,554]	1386	Chorney, <i>In re</i> , 825 P.2d 330 (Wash. Ct. App. 1992)	356
Cason v. Rochester Hous. Auth., No. 90 CV 0250L (W.D.N.Y. July 15, 1992) [45,739] . . .	652	Christine v. Mary Ellen, No. CN92-6909- (Del. Fam. Ct. New Castle County Oct. 8, 1992) [48,696]	1499
Casteel v. Vaade, 481 N.W.2d 476 (Wis. 1992) . .	457	Christy v. Ibarra, 826 P.2d 361 (Colo. Ct. App. 1991)	466
Castillo v. Jackson, 594 N.E.2D 323 (Ill. 1992) [46,256]	443	Citaramanis v. Hallowell, 613 A.2d 964, 328 Md. 142 (1992) [48,303]	671, 1375
Caswell, Marriage of, <i>In re</i> , 480 N.W.2d 38 (Iowa 1992)	351	Citibank, N.A. v. Zuccaro, No. 6119/90 (N.Y. Dist. Ct. Nassau County Aug. 6, 1992) [48,353]	805
Catahoula Apartments Partnership v. Jones, 590 So. 2d 627 (La. Ct. App. 1991)	229	City & County of San Francisco v. McMahon, No. CIV-S-90--0665 LKK JFM (E.D. Cal. Aug. 27, 1992) [45,777]	819
Catawba Indian Tribe v. South Carolina, 978 F.2d 1334 (4th Cir. 1992)	1530	City of New York v. Lead Indus. Ass'n, No. 14365/89 (N.Y. Sup. Ct. New York County Dec. 23, 1991) [47,850]	336
Catholic Social Servs. v. Barr, No. 88-15046 (9th Cir. Feb. 13, 1992) [42,712]	201, 1497	City of Ponca City v. Housing Auth., 840 P.2d 653 (Okla. Ct. App. 1992)	1530
Cato v. Jilek, 779 F. Supp. 937 (N.D. Ill. 1991) . .	231	Clark, <i>In re</i> , 960 F.2d 475 (5th Cir. 1992)	569
Cazares v. Barber, 959 F.2d 753 (9th Cir. 1992)	455	Clark, <i>In re</i> , 581 N.E.2d 408 (Ill. App. Ct. 1991)	232
Celestino v. California Unemployment Ins. Appeals Bd., No. 876963 (Cal. Super. Ct. San Francisco County Dec. 27, 1992) [48,493]	954	Clark v. Coyle [43,105]	1599
Cervantez v. Sullivan, 963 F.2d 229 (9th Cir. 1992) [44,983]	697	Clark v. Housing Auth. of Alma, 971 F.2d 723 (11th Cir. 1992) [48,313]	961
Chambers v. Sanderson, 822 P.2d 657 (Nev. 1991)	230	Clark v. Reiss, 831 S.W.2d 622 (Ark. Ct. App. 1992)	839
Champion v. Sullivan, [48,648]	1510	Clarkson v. Coughlin, 783 F. Supp. 789 (S.D.N.Y. 1992)	357
Chappell v. Housing Auth. of St. Petersburg, Fla., No. 91-505-CIV-T-21(A) (M.D. Fla. Jan. 21, 1993) [46,749]	1613	Clay Tower Apartments v. Kemp, 978 F.2d 478 (9th Cir. 1992)	1527
Chapter 15, San Francisco Admin. Code, Sec. 15.7, <i>In re</i> [47,983]	206	Clayton v. Clayton [48,131]	433
Charleston Hous. Auth. v. Smith, No. 91-C-3408 (W. Va. Cir. Ct. Kanawha County June 23, 1992) [48,413]	816	Clemmons v. Bohannon, 956 F.2d 1523 (10th Cir. 1992)	357
Charlet v. Legislature of La. [48,006]	189	Clifton v. Schafer, 969 F.2d 278 (7th Cir. 1992) [48,287]	678
Chavez v. Housing Auth. of City of El Paso, 973 F.2d 1245 (5th Cir. 1992)	1396	Clomon v. Jackson, No. 3:91CV00563 (PCD) (D. Conn. Mar. 11, 1992) [47,947]	1602

Coalition for the Homeless v. Jensen, No. 7340-92 (N.Y. Sup. Ct. Orange County Nov. 2, 1992) [48,624]	1360	Continental Casualty Co. v. Hunt [48,683]	1504
Cobb v. Cobb, 588 N.E.2d 571 (Ind. Ct. App. 1992)	461	Cook v. Covey, 609 A.2d 560 (Pa. Super. Ct. 1992)	838
Coble v. Bonita House, Inc., 789 F. Supp. 320 (N.D. Cal. 1992)	690	Cook v. Hairston, No. 90-3437 (6th Cir. Nov. 26, 1991) [44,249]	811
Cochran v. Cochran, 419 S.E.2d 419 (Va. Ct. App. 1992)	966	Cooper v. Rogers, 788 F. Supp. 255 (D. Md. 1991)	575
Cocores v. Portsmouth, N.H., Sch. Dist., 779F. Supp. 203 (D.N.H. 1991)	225	Corbin v. Ohio Bureau of Employment Servs., 603 N.E.2d (Ohio Ct. App. 1991)	1537
Cohen v. Secretary of HHS, 964 F.2d 524 (6th Cir. 1992)	696	Cordero v. Pennsylvania Dep't of Educ., 795 F. Supp. 1352 (M.D. Pa. 1992)	1393
Colantuoni v. Macomber, 807 F. Supp. 835 (D.D.C. 1992)	1628	Cormier v. McRae, 609 A.2d 676 (D.C. 1992)	972
Cole v. Cole, 590 N.E.2d 862 (Ohio Ct. App. 1990)	463	Corning Glass v. Unemployment Compensation Bd. of Review, 616 A.2d 175 (Pa. Commw. Ct. 1992)	1537
Collazo v. Bane [48,779]	1605	Correll v. Division of Social Servs., 418 S.E.2d 232 (N.C. 1992)	843
Coller, Guardianship of, <i>In re</i> , 599 N.E.2d 292 (Ohio Ct. App. 1991)	1399	Corriea v. Massachusetts Dep't of Pub. Welfare, No. 92-2468B (Mass. Super. Ct. Suffolk County Aug. 17, 1992); No. SJC-6042 (Mass. Sup. Jud. Ct. Jan. 13, 1993) [48,529]	959, 1622
Collins v. Romer, 962 F.2d 1508 (10th Cir. 1992)	684	Crawley v. Bachan, No. 92-25383 (25) (Fla. Cir. Ct. Broward County Sept. 30, 1992); No. 92-25383 (25) (Fla. Cir. Ct. Broward County Jan. 25, 1993) [48,558]	1376, 1617
Colon Colon v. Secretary of HHS, 788 F. Supp. 671 (D.P.R. 1992)	575	Cortright v. Thompson, 812 F. Supp. 772 (N.D. Ill. 1992) [48,079]	321
Commissioner of Human Resources v. Bridgeforth, 604 A.2d 836 (Conn. Super. Ct. 1992)	464	Cosme v. Figueroa, 609 A.2d 523 (N.J. Super Ct. Ch. Div. 1992)	838
Committee for Fairness v. Kemp, 791 F. Supp. 888 (D.D.C. 1992) [42,695]	333	Cote v. Cote, 599 A.2d 869 (Md. Ct. Spec. App. 1992)	223
Community Dev. Auth. of Madison v. Yoakum, No. 91-0641-FT (Wis. Ct. App. Jan. 16, 1992) [47,833]	199	Cottle v. Butler, 608 A.2d 479 (N.J. Super. Ct. Law Div. 1992)	843
Community for Creative Non-Violence v. Unknown Agents of United States Marshals Serv., 791 F. Supp. 1 (D.D.C. 1992); 797 F. Supp. 7 (D.D. C. 1992) [47,798]	180, 692, 1391	Coty v. Sullivan, 793 F. Supp. 83 (S.D.N.Y. 1992)	848
Community United for the Betterment of E. Palo Alto v. City Council of E. Palo Alto [48,515]	932	Couch v. Perales, 585 N.E.2d 772 (N.Y. 1991)	239
Compton v. RPM Auto Sales, No. 88-CIV-221 (Ohio Ct. C.P. Adams County Feb. 24, 1992) [48,376]	805	County Dep't of Pub. Welfare of Vanderburgh County v. Deaconess Hosp., 588 N.E.2d 1322 (Ind. Ct. App. 1992)	466
Concerned Citizens of King-Parkway Dev. v. Illinois Parkway Garden Assocs. [48,214]	547	County of Dakota v. Hendrickson, 482 N.W.2d 516 (Minn. Ct. App. 1992)	462
Connecticut Hosp. Ass'n v. O'Neill, 793 F. Supp. 47 (D. Conn. 1992)	842	Covey v. Varano [47,791]	545
Connelly v. Derwinski, 961 F.2d 129 (9th Cir. 1992)	577	Covino v. Patrissi, 967 F.2d 73 (2d Cir. 1992)	846
Consumer Advisory Bd. v. Glover [47,158]	926	Cowling, <i>In re</i> , 595 N.E.2d 470 (Ohio Ct. App. 1991)	834
		Coye v. HHS, 973 F.2d 786 (9th Cir. 1992)	1395
		Crain v. Employment Sec. Dep't, 827 P.2d 344 (Wash. Ct. App. 1992)	471

Crawley v. U.S. ex rel. Lujan, 977 F.2d 1409 (10th Cir. 1992)	1530
Creighton v. Sullivan, 798 F. Supp. 1359 (N.D. Ind. 1992)	1534
Crews, Adoption of, <i>In re</i> , 825 P.2d 305 (Wash. 1992)	356
Crocker v. Tennessee Secondary Sch. Athletic Assoc., 980 F.2d 382 (6th Cir. 1992)	1627
Cronen v. Texas Dep't of Human Servs., 977 F.2d 934 (5th Cir. 1992)	1524
Crown Oak Assoc. of Penfield v. Jacobs [48,297]	817
Crum, Guardianship of, <i>In re</i> , 580 N.E.2d 876 (Ohio P. Ct. 1991)	228
Cruz v. Fallon, No. 92-0174P (D.R.I. May 15, 1992) [48,143]	435
Cruz v. Sullivan, 802 F. Supp. 1015 (S.D.N.Y. 1992)	1535
Cuevas v. Popolizio, No. 45979/90 (N.Y. Sup. Ct. New York County Nov. 25, 1992) [47,004]	1495
Cuozzo v. Sullivan, 793 F. Supp. 102 (M.D. Pa. 1992)	833
Cummings v. Towle, No. C 90-259S (D.N.H. Apr. 14, 1992) [48,279]	679
Curry v. Metropolitan Dade County, No. 92-1000-CIV-ARONOVITZ (S.D. Fla. Dec. 31, 1992) [48,752]	1493
Curtis v. Housing Auth. of Oakland, No. C-89-01851 EFL (N.D. Cal. Sept. 9, 1992) [46,076]	939
Cushing v. Moore, 970 F.2d 1103 (2d Cir. 1992)	968

D

D., <i>In re</i> , No. 92 029 053 000 (Medicare Hearing Dep't Oct. 13, 1992) [48,644]	1367
D., <i>In re</i> (SSA Office of Hearings & App. May 4, 1992) [48,384]	824
D. v. Kirby, 975 F.2d 193 (5th Cir. 1992)	1391
D., S. v. Florida Dep't of Health & Rehabilitative Servs., 605 So. 2d 1340 (Fla. Dist. Ct. App. 1992)	1528
Dade Property Management v. Gonzalez, No. 92-4830 CC 25 (1) (Fla. County Ct. Dade County Dec. 17, 1992) [48,502]	947, 1499
Daly, <i>In re</i> , No. SF-00789 (Cal. Unemployment Ins. App. Bd. Dec. 22, 1992) [48,759]	1620

Daniels v. Sullivan, 979 F.2d 1516 (11th Cir. 1992)	1632
Daniels v. White, No. 79-3107-NA-CV (M.D. Tenn. Aug. 31, 1992) [38,991]	936
Darby v. Heather Ridge, 806 F. Supp. 170 (E.D. Mich. 1992)	1630
Darts v. Ibarra, No. 91-S-1003- (D. Colo. Dec. 19, 1991) [48,098]	342
Daugherty v. Wallace [48,158]	453
Daulton v. Caldwell, 966 F.2d 1025 (6th Cir. 1992)	834
Davis, <i>In re</i> , No. 92 (OA) 1268 (N.C. Employment Sec. Comm'n Apr. 21, 1992) [48,284]	677
Davis v. Davis, 606 So. 2d 575 (La. Ct. App. 1992)	1521
Davis v. Griswold [48,579]	1385
Davis v. Grover, 480 N.W.2d 460 (Wis. 1992)	352
Davis v. McClaren [48,617]	1360
Davis v. New York City Hous. Auth., No. 90 Civ. 0628 (PNL) (S.D.N.Y.) [46,492]	554, 1494
Davis v. Rubin, 828 P.2d 1284 (Haw. Ct. App. 1991)	572
Davis v. Sullivan, 977 F.2d 419 (8th Cir. 1992)	1402
Dawson v. Ohio Dep't of Human Servs., 588 N.E.2d 217 (Ohio Ct. App. 1990)	354
Day v. Secretary of HHS, No. C-1-87-800 (S.D. Ohio July 30, 1992) [42,990]	951
Deacon v. Lander, 587 N.E.2d 395 (Ohio Ct. App. 1990)	351
Debose v. Department of Health & Rehabilitative Servs., 598 So. 2d 195 (Fla. Dist. Ct. App. 1992) [48,341]	700, 829
Decker v. Sullivan, 976 F.2d 456 (8th Cir. 1992)	1389
Decker v. Wood [48,769]	1617
DeFrancesco v. Sullivan, 794 F. Supp. 282 (N.D. Ill. 1992); 803 F. Supp. 1332 (N.D. Ill. 1992)	974, 1518
DeJesus v. Banco Popular de P.R., 951 F.2d 3 (1st Cir. 1991)	219
De La Garza, <i>In re</i> (SSA Office of Hearings & App. Aug. 13, 1992) [48,506]	953
Delaware State Hous. Auth. v. Sharp, No. JP19-92-07-1757 (Del. J.P. Ct. Sept. 18, 1992) [48,514]	941
Delgado v. New York City Dep't of Correction, 797 F. Supp. 327 (S.D.N.Y. 1992)	1401
Del Monte v. Wilson, 824 P.2d 632 (Cal. 1992)	239

Delmarva Rural Ministries, <i>In re</i> , No. 92000454 (FmHA National Appeals Staff Jan. 31, 1992) [47,854]	201	DiGiacomo v. DiGiacomo, 607 A.2d 186 (N.J. Super. Ct. App. Div. 1992)	688
Deloney v. Madigan, No. CV 92-2990 (MRP) (GHKx) (C.D. Cal. June 5, 1992) [48,216]	550, 1482	Dinkel v. Dinkel, 598 So. 2d 918 (Ala. Civ. App. 1991)	688
Delorme v. North Dakota Dep't of Human Servs., 492 N.W.2d 585 (N.D. Sup. Ct. Nov. 24, 1992) [48,778]	1623	Disabled Am. Veterans v. VA, 783 F. Supp. 187 (S.D.N.Y. 1992); 962 F.2d 136 (2d Cir. 1992) [47,909]	212, 699
DeLuca v. Sullivan, No. 2:91-CV 00244 (AHN) (D. Conn. Apr. 22, 1992) [48,292]	662	District of Columbia v. Greater Wash. Bd. of Trade, 61 U.S.L.W. 4039 (U.S. Dec. 14, 1992)	1393
Deno v. Washington Dep't of Social & Health Servs., No. 91-2-00559-9 (Wash. Super. Ct. Thurston County Feb. 19, 1992) [48,059]	345	District Sch. Bd. of Putnam County v. Roderick, 593 So. 2d 1174 (Fla. Dist. Ct. App. 1992)	349
Department of Energy v. Ohio, 112 S. Ct. 1627 (1992)	352	Division of Child Support Enforcement v. Myrks, 606 A.2d 748 (Del. 1992)	569
Department of Health & Rehabilitative Servs. v. Coskey, 599 So. 2d 153 (Fla. Dist. Ct. App. 1992)	845	Dix v. County of Shasta, 963 F.2d 1296 (9th Cir. 1992)	687
Department of Health & Rehabilitative Servs. v. Ward, 600 So. 2d 500 (Fla. Dist. Ct. App. 1992)	837	Dixon v. Sullivan, 792 F. Supp. 942 (S.D.N.Y. 1992) [36,027]	848
Department of Insts., Grand Junction Regional Ctr. v. Carothers, 821 P.2d 891 (Colo. Ct. App. 1991)	220	Doby v. Oklahoma Employment Sec. Comm'n, 823 P.2d 390 (Okla. Ct. App. 1991)	238
Derrick v. Kemp, No. C-1-88-0521 (S.D. Ohio Mar. 20, 1992) [44,516]	669	Docket No. 092888, <i>In re</i> , No. 092888 (Mass. Dep't of Employment & Training Aug. 1992) [48,468]	826
Deskins v. Musick, No. 91-0188-B (W.D. Va. July 21, 1992) [48,336]	658	Docket No. 1291 A 291, <i>In re</i> (Wash. Dep't of Social & Health Servs. Office of App. Apr. 22, 1992) [48,446]	960
De Szunyogh v. William C. Smith & Co., 604 A.2d 1 (D.C. 1992)	467	Doe, <i>In re</i> (Me. Dep't of Mental Health & Mental Retardation June 26, 1992) [48,566]	1378
Dennis v. Sullivan, 787 F. Supp. 89 (E.D. Pa. 1992)	470	Doe, <i>In re</i> (HHS Office of Hearings & App. June 26, 1991) [47,857]	210
Department of Revenue v. G.W.A., 590 N.E. 2d 176 (Mass. 1992)	462	Doe v. Boeing Co., 823 P.2d 1159 (Wash. Ct. App. 1992)	227
Dewalt v. Sullivan, 963 F.2d 27 (3d Cir. 1992)	684	Doe v. Commissioner, Me. Dep't of Human Servs., No. 91-0333-P-C (D. Me. Mar. 20, 1992) [48,048]	329, 1365
D.I.A.L. v. New Jersey Dep't of Community Affairs, 603 A.2d 967 (N.J. Super. Ct. App. Div. 1992)	459	Doe v. Cowherd, 965 F.2d 109 (6th Cir. 1992) [33,390]	836
Diamond v. Corcoran, No. 5:92-CV-36 (W.D. Mich. Aug. 3, 1992) [48,404]	803	Doe v. District of Columbia, 796 F. Supp. 559 (D.D.C. 1992)	1394
Diaz v. Secretary of HHS, 791 F. Supp. 905 (D.P.R. 1992)	849	Doe v. H.C.A. Health Servs. of Tenn. [48,393]	813
Diel, <i>In re</i> , 614 A.2d 1223 (Vt. 1992) [47,087]	565	Doe v. Housing Auth. of Providence, R.I., No. 92-0362-L (D.R.I. Oct. 30, 1992) [48,772]	1616
Di Gerlando v. Little, No. 90-18312 LT (Fla. County Ct. Hillsborough County Sept. 2, 1992) [48,518]	947	Doe v. Perales, 782 F. Supp. 201 (W.D.N.Y. 1991) [46,454]	353
Diggs, <i>In re</i> , No. 92 B 02434 (Bankr. N.D. Ill. Apr. 6, 1992) [48,114]	428	Doe v. Sears, Roebuck & Co., No. 2-06380 (Wash. Office of Admin. Hearings Feb. 12, 1992) [47,990]	212

Doe v. Washington Univ., 780 F. Supp. 628 (E.D. Mo. 1991)	353
Doe v. Whitburn, No. 90-C-112- (E.D. Wis. Nov. 26, 1991) [46,427]	194
Doe Children, <i>In re</i> , 827 P.2d 1144 (Haw. 1992)	460
Dominion Bank of Middle Tenn. v. Bowling Green Junior College, No. C90-0133BG(M) (W.D. Ky. July 21, 1992) [46,062]	188, 658
Donahue v. NFS, Inc., 781 F. Supp. 188 (W.D.N.Y. 1991)	222
Dorsey v. Housing Auth. of Baltimore City, No. H-91-1238 (D. Md. Jan. 31, 1992) [48,242]	553
Doucette v. Ives, 947 F.2d 21 (1st Cir. 1991); 785 F. Supp. 1056 (D. Me. 1992) [46,021]	212, 456
Douglas v. Sullivan, 792 F. Supp. 1030 (E.D. Mich. 1991)	842
Dowden v. Calvert, No. 28DO1-9110-SC-617 (Ind. Super. Ct. Greene County Jan. 29, 1992) [48,490]	942
Dowling v. Davis, No. Civ. S-90-0866 (E.D. Cal. July 28, 1992) [48,702]	1490
Dowell v. Board of Educ. of Oklahoma City Pub. Sch., 778 F. Supp. 1144 (W.D. Okla. 1991)	225
Doyle v. Arlington County Sch. Bd., 953 F.2d 100 (4th Cir. 1991)	224
Doyle v. Southeastern Glass Laminates, Inc., 409 S.E.2d 732 (N.C. Ct. App. 1991); No. 90(UI)0679 (N.C. Employment Sec. Comm'n July 16, 1992) [48,307]	238, 677
Doyle v. Texas Dep't of Human Servs., No. 053384303 (Tex. Dep't of Human Servs. Nov. 3, 1992) [48,657]	1364
Dreeblan Paint Co., <i>In re</i> [47,821]	176
Dreher v. Amphitheater Unified Sch. Dist., 797 F. Supp. 753 (D. Ariz. 1992)	1392
Drouin v. Sullivan, 966 F.2d 1255 (9th Cir. 1992)	848
Dubose v. Bradley, No. 93 C 0496 (N.D. Ill. Feb. 23, 1993) [48,757]	1621
Duenas v. Concannon, No. 92-647-DA (D. Or. July 8, 1992) [48,421]	957
Duffy v. Gainey Transp. Servs., Inc., 484 N.W.2d 7 (Mich. Ct. App. 1992)	571
Dugan v. Sullivan, 957 F.2d 1384 (7th Cir. 1992)	469

Duncan v. Gallant, No. 91-8329D (Mass. Super. Ct. Middlesex County Aug. 17, 1992) [48,358]	830, 960
Duncan v. Sullivan, 786 F. Supp. 466 (E.D. Pa. 1992)	470
Dunlap, Petition of, <i>In re</i> , 604 A.2d 945 (N.H. 1991)	465
Dunn v. Sullivan, 794 F. Supp. 133 (D. Del. 1992)	961

E

E., J.A., <i>In re</i> , 491 N.W.2d 136 (Wis. Ct. App. 1992)	1522
E. v. Martinez, No. 90-1008-CIV-KEHOE (S.D. Fla. Mar. 6, 1992) [45,828]	203
E. v. New Jersey Dep't of Human Servs., 602 A. 2d 279 (N.J. Super. Ct. App. Div. 1992)	352
E., T.W. v. K.M.E., 828 S.W.2d 806 (Tex. Ct. App. 1002)	570
Earsery v. Kemp [48,547]	939
Easter Seal Soc'y of N.J. v. Township of N. Bergen, 798 F. Supp. 228 (D.N.J. 1992)	1397
Eastern Motor Inns v. Virginia Employment Comm'n, 418 S.E.2d 915 (Va. Ct. App. 1992)	850
Edol Corp. v. Cabrera [48,522]	947
Edol Corp. v. Cornejo [48,523]	947
Edol Corp. v. Guerarra [48,521]	947
Edwards, <i>In re</i> , No. 91 B 15182 (Bankr. N.D. Ill. Dec. 19, 1991) [47,120]	428
Edwards v. Alabama Farm Bureau Mut. Casualty Ins. Co., 601 So. 2d 82 (Ala. 1992)	962
Edwards v. Griepentrog, 804 F. Supp. 1310 (D. Nev. 1992) [45,811]	551, 812, 1525
Edwards v. Healy, No. CV-S-91 1473 DFL (E.D. Cal. May 7, 1992) [48,212]	563, 1620
Edwards v. HUD, 807 F. Supp. 71 (S.D. Ohio 1992)	1625
Edwards v. Kemp, 795 F. Supp. 856 (S.D. Ohio 1992)	1397
Edwards-White v. District of Columbia, 785 F. Supp. 1022 (D.D.C. 1992)	458
Ehrhart v. Secretary of HHS, 969 F. 2d 534 (7th Cir. 1992)	974
Eichelt v. Community Dev. Auth. of Janesville, Wis., No. 92-C-0577 (E.D. Wis. June 11, 1992) [48,177]	439, 816

Ekl v. Knecht, 585 N.E.2d 156 (Ill. App. Ct. 1991)	222
Elam v. Elam, 832 S.W.2d 508 (Ark. Ct. App. 1992)	837
Eller, <i>In re</i> , 417 S.E.2d 479 (N.C. 1992)	844
Ellibee v. Ellibee, 826 P.2d 462 (Idaho 1992)	460
Elliott, <i>In re</i> , No. 92EM-5-01338 (Tex. Dist. Ct. Bexar County Aug. 4, 1992) [48,496]	932
Elliott v. Byers, 975 F.2d 1375 (8th Cir. 1992)	1400
Elliott v. City of Athens, Ga., 960 F.2d 975 (11th Cir. 1992)	573
Ellis v. Ritchie, 803 F. Supp. 1097 (E.D. Va. 1992)	1528
Ellis v. Wetherbee [48,639]	1365
El Recate Legal Servs. v. Executive Office of Immigration Review, 959 F.2d 742 (9th Cir. 1992) [45,687]	336
Ellin Corp. v. North Bergen Township, 601 A.2d 1209 (N.J. Super. Ct. App. Div. 1992) [44,464]	358
Emerson v. Clarke [47,851]	216
Emerson v. Steffen, 959 F.2d 119 (8th Cir. 1992) [46,343]	192
Emery, <i>In re</i> , No. 93000590 IN RH (FmHA Nat'l App. Staff Jan. 7, 1992) [48,722]	1496
Emmet v. Rickert, 599 A.2d 1236 (Md. Ct. Spec. App. 1992)	220
Emmons v. Miller, No. 91-CV-40411-FL (E.D. Mich. Oct. 20, 1992) [48,587]	1359
Engelbrite v. Sullivan [48,301]	652
Erickson v. Commissioner of Minn. Dep't of Human Servs., 494 N.W.2d 58 (Minn. Ct. App. 1992) [48,703]	1513
Espindola v. INS [48,701]	1497
Essex County Div. of Welfare v. O.J., 608 A.2d 907 (N.J. 1992)	850
Estevez v. Olarte, 47 Fla. 2d 86 (1991) [47,853]	206
Etuk v. Slattery, 973 F.2d 60 (2d Cir. 1992); 803 F. Supp. 644 (E.D.N.Y. 1992) [46,144]	1398, 1528
Evans v. Evans, 595 N.E.2d 237 (Ill. App. Ct. 1992) [48,074]	325, 807
Exum v. Dugger, 591 So. 2d 1088 (Fla. Dist. Ct. App. 1992)	235

F

F., <i>In re</i> , No. R92-01570-0000 (Ohio Unemployment Compensation Bd. of Review Mar. 27, 1992) [48,367]	826
F., <i>In re</i> , No. 91-SCHI-446 (Ohio Dep't of Human Servs. Nov. 28, 1991) [48,371]	815
F., <i>In re</i> , No. 0433677 (N.Y. Dep't of Social Servs. May 12, 1992) [48,464]	811
F., J.L., <i>In re</i> , 828 P.2d 166 (Alaska 1992)	459
F., K.L., Guardianship of, <i>In re</i> , 608 A.2d 1327 (N.J. 1992)	844
F. v. Department of Health & Mental Hygiene, No. 91-DHMH-DDA-22-4680 (Md. Office of Admin. Hearings Apr. 3, 1992) [48,557]	1358
F., Chrissy v. Mississippi Dep't of Pub. Welfare, 780 F. Supp. 1104 (S.D. Miss. 1991)	230
F., M. v. N.H., 599 A.2d 1297 (N.J. Super. Ct. App. Div. 1991)	224
F., Oscar v. County of Worcester, 587 N.E.2d (Mass. 1992)	355
Fadia v. Unauthorized Practice of Law Comm., 830 S.W.2d 162 (Tex. Ct. App. 1992)	686
Farley v. Sullivan, (D. Vt. Mar. 10, 1992); 983 F.2d 405 (2d Cir. 1993) [43,480]	208, 674, 1503
Farrar v. Hobby, 61 U.S.L.W. 4033 (U.S. Dec. 14, 1992)	1388
Farrell v. O'Leary, No. 90 C 1003 (N.D. Ill. Aug. 31, 1992) [48,304]	1378
Farrell v. Peters, 951 F.2d 862 (7th Cir. 1992)	234
Fauntleroy v. Staszak, No. 90-CV-424 (N.D.N.Y. Feb. 15, 1992) [48,087]	343
Feeling v. Barry [36,026]	451
Felce v. Fiedler, 974 F.2d 1484 (7th Cir. 1992)	1400
Felter v. Cape Girardeau Pub. Sch. Dist., No. 1:92CV 0014 SNL (E.D. Mo. Jan. 10, 1993) [48,233]	549, 1488
Fenneman v. Town of Gorham, 802 F. Supp. 542 (D. Me. 1992)	1518
Ferraro v. Secretary of HHS, 780 F. Supp. 978 (E.D.N.Y. 1992)	221
Ferree v. Sparks, 601 N.E.2d 568 (Ohio Ct. App. 1991)	1521
Ferry, <i>In re</i> (SSA Office of Hearings & App. June 5, 1992) [48,236]	560

Fields v. Sullivan, 789 F. Supp. 739 (W.D. Va. 1992)	691
Flatford v. City of Monroe, Mich., No. 90-73400 (E.D. Mich. July 8, 1992) [46,381]	197, 668
First Jersey Nat'l Bank v. Brown, 951 F.2d 564 (3d Cir. 1991)	221
First Midwest Bank v. Blakeney [48,627]	1355
Fischer v. Rochester Community Sch., 780 F. Supp. 1142 (E.D. Mich. 1991)	219
Flagstaff Medical Center v. Sullivan, 962 F.2d 879 (9th Cir. 1992) [44,758]	690
Flint v. Commissioner of Pub. Welfare, 589 N.E.2d 1224 (Mass. 1992)	466
Florence County Sch. Dist. 4 v. Carter, 950 F.2d 156 (4th Cir. 1991) [47,861]	187, 326, 1488
Florida Dep't of Health & Rehabilitative Servs. v. Durah, 593 So. 2d 585 (Fla. Dist. Ct. App. 1992)	361
Florida Dep't of Health & Rehabilitation Servs. ex rel. Craft v. Craft, 596 So. 2d 503 (Fla. Dist. Ct. App. 1992)	569
Florida Unemployment Appeals Comm'n v. Dean [48,1991]	562
FmHA v. Nelson, 969 F.2d 626 (8th Cir. 1992)	962
Fogle, <i>in re</i> , 837 P.2d 842 (Kan. Ct. App. 1992) [48,417]	821
Ford v. Southeast Atlantic Corp., 588 So. 2d 1039 (Fla. Dist. Ct. App. 1991)	238
Foreman v. Texas Employment Comm'n, 828 S.W.2d 319 (Tex. App. Ct. 1992)	576
Fornwalt v. Follmer, 616 A.2d 1040 (Pa. Super. Ct. 1992)	1627
Fort Belknap Indian Community v. Montana, 793 F. Supp. 949 (D. Mont. 1992)	972
Foster v. New Dimensions Funding, No. 1:91-cv-00351-B (D.N.H. Nov. 24, 1992) [47,070]	1484
Fowler v. Helm, No. SF 92-906 (C) (N.M. Dist. Ct. Santa Fe County May 5, 1992) [48,146]	451
Franklin v. Gwinnett County Pub. Sch., 112 S. Ct. 1028 (1992)	224
Franklin v. Kelly, No. 90-3124 (SS) (D.D.C. Nov. 19, 1992) [46,308]	1362
Frazier v. Ives [47,081]	324
Frederick County Fruit Growers Ass'n v. Martin, 968 F.2d 1265 (D.C. Cir. 1992) [45,141]	672

Freeland v. Employment Appeal Bd., 492 N.W.2d 193 (Iowa 1992)	1535
Freeman v. Pitts, 112 S. Ct. 1430 (1992)	351
Freeman v. Texas Dep't of Human Servs., No. 053081756 (Tex. Dep't of Human Servs. Aug. 31, 1992) [48,656]	1364
Freeman United Coal Mining Co. v. Anderson, 973 F.2d 514 (7th Cir. 1992)	1395
Freeman United Coal Mining Co. v. Cooper, 965 F.2d 443 (7th Cir. 1992)	842
Frens v. Frens, 478 N.W.2d 750 (Mich. Ct. App. 1991)	224
Frey v. Gangwish, 970 F.2d 1516 (6th Cir. 1992)	964
Fricker v. Department of Health & Rehab. Servs., 606 So. 2d 446 (Fla. Dist. Ct. App. 1992)	1526
Frischer, <i>in re</i> , No. 664147 (N.Y. Dep't of Social Servs. Aug. 27, 1992) [48,476]	832
Fromdahl, <i>in re</i> , 840 P.2d 683 (Or. 1992)	1519
Fugere v. Derwinski, 972 F.2d 331 (Fed. Cir. 1992)	1403
Fulkerson v. Commissioner, Me. Dep't of Human Servs., 802 F. Supp. 529 (D. Me. 1992) [48,099]	332, 1525

G

G., <i>in re</i> (SSA Office of Hearings & App. Nov. 13, 1992) [48,673]	1492
G., <i>in re</i> (SSA Office of Hearings & App. Sept. 24, 1992) [48,527]	937
G., P. v. W.M.T., 590 So. 2d 329 (Ala. Civ. App. 1991)	223
G., W. v. Board of Trustees of Target Range Sch., 960 F.2d 1479 (9th Cir. 1992)	570
Gamboa v. Rubin [48,422]	828
Garcia v. Sullivan, 781 F. Supp. 969 (S.D.N.Y. 1991)	219
Gardner v. School Bd. of Caddo Parish, 958 F.2d 108 (5th Cir. 1992)	458
Gardner v. Sullivan, No. 90-2947 (5th Cir. Oct. 24, 1991) [48,533]	949
Gartrell v. Gaylor, 981 F.2d 254 (5th Cir. 1993)	1630
Gassi, <i>in re</i> (SSA Office of Hearings & App. Aug. 4, 1992) [48,504]	953
Gates v. Deukmejian, 977 F.2d 1300 (9th Cir. 1992)	1518

Gates v. Miller, No. 91-40561-BC (E.D. Mich. Feb. 10, 1992) [47,852]	214
Gavilan v. Martin, No. 235697 (Cal. Super. Ct. San Joaquin County Aug. 21, 1992) [48,516]	928
Gay v. Sullivan, 966 F.2d 1124 (7th Cir. 1992) [44,288]	847
Gehl, Marriage of, <i>In re</i> , 486 N.W.2d 284 (Iowa 1992)	836
Geigle v. Sullivan, 961 F.2d 1395 (8th Cir. 1992)	697
General Considerations for Clinical Evaluation of Drugs, <i>In re</i> [48,736]	1492
Genthner v. Kimberly Quality Care, (Me. Super. Ct. Cumberland County Aug. 20, 1992) [47,284]	1366
Geriatric & Medical Servs. v. Department of Pub. Welfare, 616 A.2d 746 (Pa. Commw. Ct. 1992)	1629
German Auto Parts, Inc. v. Bureau of Labor & Indus., 826 P.2d 1026 (Or. Ct. App. 1991) . .	465
Gertel v. School Comm. of Brookline Sch. Dist., 783 F. Supp. 701 (D. Mass. 1992) . . .	352
Gibson, <i>In re</i> , No. 17919A 1992 (Ga. Dep't of Labor Aug. 26, 1992) [48,471]	825
Gibson v. Department of Employment Sec., 840 P.2d 780 (Utah Ct. App. 1992)	1537
Gino's Pizza of West Hamlin v. West Va. Human Rights Comm'n, 418 S.E.2d 758 (W. Va. 1992)	840
Giroux v. Sherman, 807 F. Supp. 1182 (E.D. Pa. 1992)	1631
Glass v. IDS Fin. Servs., Inc., 798 F. Supp. 1411 (D. Minn. 1992)	1523
Glass v. Mayas, 794 F. Supp. 470 (E.D.N.Y. 1992)	972
GMAC Mortgage Corp. v. Larson, 597 N.E.2d 1245 (Ill. App. Ct. 1992)	962
GMAC Mortgage of Pa. v. Gray, No. 91AP-650 (Ohio Ct. App. Dec. 10, 1991) [48,379] . . .	816
Godwin v. Florida, 593 So. 2d 211 (Fla. 1992) . .	356
Goebel v. Colorado Dep't of Insts., 830 P.2d 1036 (Colo. 1992) [39,426]	694
Goetz v. Crosson, 967 F.2d 29 (2d Cir. 1992) . .	845
Goff v. Dailey, 789 F. Supp. 978 (S.D. Iowa 1992)	695
Golbach v. Sullivan, 779 F. Supp. 9 (N.D.N.Y. 1991)	220
Golding v. Kaladjian [48,007]	218

Goldsberry, <i>In re</i> , No. 91-60875 (Bankr. E.D. Ky. May 22, 1992) [48,262]	653
Gomez v. Housing Auth. of City of El Paso, 805 F. Supp. 1363 (W.D. Tex. 1992)	1629
Gomez-Arauz v. McNary, 779 F. Supp. 1308 (W.D. Okla. 1991)	220
Gonzalez v. McNary, 980 F.2d 1418 (11th Cir. 1993)	1630
Gooden v. Howard County, 954 F.2d 960 (4th Cir. 1992)	349
Goodnight v. Sullivan [48,043]	341
Goodwin v. Perales, No. 66099 (N.Y. Sup. Ct. Steuben County July 29, 1992) [48,299] . . .	681
Goodwin v. Phelps, No. 91-CV-0177 (Wis. Cir. Ct. Dane County Aug. 3, 1992) [46,334] . . .	831
Gordon v. Faber, 800 F. Supp. 793 (N.D. Iowa 1991)	1531
Gore v. Mississippi Employment Sec. Comm'n, 592 So. 2d 1008 (Miss. 1992)	237
Gorsuch Homes, Inc. v. Wooten, 597 N.E.2d 554 (Ohio Ct. App. 1002)	970
Gosnell v. City of Troy, Ill., 979 F.2d 1257 (7th Cir. 1992)	1626
Grafstrom, <i>In re</i> , 490 N.W.2d 632 (Minn. Ct. App. 1992)	1529
Graham v. Bodine Elec. Co., 782 F. Supp. 74 (N.D. Ill. 1992)	226
Grammatico v. Sterling, Inc., No. 91-CV-467 (N.D.N.Y. Feb. 10, 1992) [47,976]	182
Granite Sch. Dist. v. Shannon M., 787 F. Supp. 1020 (D. Utah 1992)	571
Grassi v. Director, Mich. Dep't of Social Servs., No. 134111 (Mich. Ct. App. Dec. 11, 1992) [46,806]	1602
Gray v. Phillips Petroleum Co., 971 F.2d 591 (10th Cir. 1992)	961
Green v. Anderson, 811 F. Supp. 516 (E.D. Cal. 1992) [48,733]	1509, 1621
Green v. Hocking, 792 F. Supp. 1064 (E.D. Mich. 1992)	835
Greenwood Trust Co. v. Massachusetts [47,943]	1356
Greer v. Rome City Sch. Dist., 956 F.2d 1025 (11th Cir. 1992)	351
Griffin v. Collection Serv. Bureau, No. 92-748-Civ-T-99 (M.D. Fla. Feb. 10, 1993) [48,803]	1601
Griffith v. Sullivan, 789 F. Supp. 478 (D. Mass. 1992) [42,534]	690

Grimes v. Cavazos, 786 F. Supp. 1184 (S.D.N.Y. 1992)	464
Grimes v. Hansen, No. 3AN 90-4511-Civil (Alaska Super. Ct. Anchorage Dist. Mar. 3, 1992) [46,657]	665
Groleau, <i>In re</i> , 585 N.E.2d 726 (Ind. Ct. App. 1992)	223
Ground v. Sullivan, 785 F. Supp. 1407 (S.D. Cal. 1992)	455
Groves v. Goodyear Tire & Rubber Co., 591 N.E.2d 875 (Ohio Ct. App. 1991)	572
Gryczka v. Burchett, No. C91-3551 (Ohio Ct. C.P. Lucas County May 13, 1992); No. 91-3551 (Ohio Ct. C.P. Lucas County July 8, 1992) [48,183]	454, 831
GTE Products Corp. v. Unemployment Compensation Bd. of Review, 596 A.2d 1172 (Pa. Commw. Ct. 1991)	238
Gude v. Sullivan, 956 F.2d 791 (8th Cir. 1992) . .	359
Guerrero v. Horn, 837 P.2d 935 (Okla. Ct. App. 1992) [48,012]	327, 811
Guice-Mills v. Derwinski, 967 F.2d 794 (2d Cir. 1992)	839
Gunzburg v. Illinois Dep't of Pub. Aid, No. 89 MR 168 (Ill. Cir. Ct. Winnebago County Nov. 18, 1991) [48,418]	813
Guthrie v. Support Enforcement Div., 828 P.2d 1043 (Or. Ct. App. 1992)	463
Gutierrez v. Sullivan, 953 F.2d 579 (10th Cir. 1992)	236
Gutierrez-Rogue v. INS, 954 F.2d 769 (D.C. Cir. 1992)	354
Guyton v. Guyton, 602 A.2d 1143 (D.C. 1992) . .	459

H

H., <i>In re</i> , 823 P.2d 383 (Okla. Ct. App. 1991) [47,834]	185
H., D.A., <i>In re</i> , 822 P.2d 640 (Kan. Ct. App. 1991)	230
H., T., <i>In re</i> , 482 N.W.2d 615 (N.D. 1992)	467
H., Y.M., <i>In re</i> , 817 S.W.2d 279 (Mo. Ct. App. 1991)	230
Hacienda La Puente Unified Sch. Dist. of Los Angeles. v. Honig, 976 F.2d 487 (9th Cir. 1992)	1393
Haley, <i>In re</i> , No. 29210 (Minn. Dep't of Human Servs. Jan. 13, 1992) [47,855]	218
Hafner v. Sullivan, 972 F.2d 249 (8th Cir. 1992) [46,908]	799

Haitian Centers Council, Inc. v. McNary, 789 F. Supp. 541 (E.D.N.Y. 1992)	692
Haitian Refugee Center, Inc. v. Baker, 953 F.2d 1498 (11th Cir. 1992)	355
Hakanson v. North Dakota Dep't of Human Servs., 479 N.W.2d 809 (N.D. 1992)	360
Hall v. Cawvey, 418 S.E.2d 77 (Ga. Ct. App. 1992)	837
Hall v. Lacheta, No. 90 CV 090 286 (Ohio Ct. C.P. Tuscarawas County Nov. 20, 1992) [46,203]	1482
Hamilton v. Madigan, 961 F.2d 838 (9th Cir. 1992) [43,557]	327, 690
Hammon v. Kelly, 980 F.2d 785 (D.D.C. 1992) [43,517]	1626
Hancock, <i>In re</i> , 828 S.W.2d 707 (Mo. Ct. App. 1992)	575
Handley v. City of Seagoville, 798 F. Supp. 1267 (N.D. Tex. 1992)	1526
Hanks v. Gann, No. 90-4320-CV-C-5 (W.D. Mo. June 19, 1991) [48,141]	445
Hansel v. Public Serv. Co. of Colo., 778 F. Supp. 1126 (D. Colo. 1991)	226
Hanson v. HUD [48,473]	815
Harden v. HHS, 979 F.2d 1082 (5th Cir. 1992) . .	1631
Hardin County v. Franklin County, 492 N.W.2d 407 (Iowa 1992)	1632
Harper v. Better Business Servs., 961 F.2d 1561 (11th Cir. 1992) [47,336]	684
Harper v. Secretary of HHS, 978 F.2d 260 (6th Cir. 1992)	1533
Harriman v. Commissioner, Me. Dep't of Human Servs., No. 90-0046-B-H (D. Me. Mar. 4, 1992) [45,835]	330
Harris, <i>In re</i> (SSA Office of Hearings & Apps. Nov. 25, 1992) [48,687]	1505
Harris v. Board of Educ. of Columbus, Ohio, 798 F. Supp. 1331 (S.D. Ohio 1992)	1524
Harris v. County of Madera [48,732]	1494
Harris v. Secretary of HHS, 792 F. Supp. 1014 (E.D. Va. 1991)	834
Harris v. Sullivan, 968 F.2d 263 (2d Cir. 1992) . .	833
Harrison, <i>In re</i> , No. 05913118 (HHS Region V Office for Civil Rights Dec. 18, 1992) [48,716]	1487
Harrison v. Burrowes Bridge Constructors, 981 F.2d 50 (2d Cir. 1992)	1626
Harrison v. Housing Auth. of Austin, Tex. [48,538]	944

Harter v. GAF Corp., 967 F.2d 846 (3d Cir. 1992)	839	Henry Horner Mothers Guild v. Chicago Hous. Auth., 780 F. Supp. 511 (N.D. Ill. 1991) [46,823]	354
Hartness v. Bush, 794 F. Supp. 15 (D.D.C. 1992)	963	Henson v. East Lincoln Township, No. 80-3280 (C.D. Ill. Dec. 22, 1992) [30,808]	1510
Harvard Law Sch. Coalition for Civil Rights v. President & Fellows of Harvard College, 595 N.E.2d 316 (Mass. 1992)	840	Henthorn v. Swinson, 955 F.2d 351 (5th Cir. 1992)	356
Harvick v. Harvick, 828 P.2d 769 (Ala. 1992)	464	Heredia v. Secretary of HHS, 783 F. Supp. 1550 (D.P.R. 1992)	348
Hasty v. Hasty, 828 P.2d 94 (Wyo. 1992)	460	Hernandez v. Secretary of Educ. [46,792]	549
Hawkins v. Superior Court of Los Angeles County, No. B060608 (Cal. Ct. App. Aug. 18, 1992) [48,001]	184, 928	Hershey v. Unemployment Compensation Bd. of Review, 605 A.2d 447 (Pa. Commw. Ct. 1992)	471
Hayes v. Wrico Stamping Griffiths Corp., 490 N.W.2d 672 (Minn. Ct. App. 1992)	1536	Hewison v. City of Coshocton Water Dep't [48,389]	820
Haymons v. Williams, 795 F. Supp. 1511 (M.D. Fla. 1992)	1396	Hickey v. Irving Indep. Sch. Dist., 976 F.2d 980 (5th Cir. 1992)	1392
HCA Health Servs. of Indiana, Inc. v. Gregory, 596 N.E.2d 974 (Ind. Ct. App. 1992)	969	Hicks v. VA, 961 F.2d 1367 (8th Cir. 1992)	699
Heacock v. Rent Control Bd. of Cambridge, 585 N.E.2d 337 (Mass. App. Ct. 1992)	231	Higbee v. Sullivan, 975 F.2d 558 (9th Cir. 1992)	1402
Healey v. Commissioner of Pub. Welfare, 605 N.E.2d 279 (Mass. 1992) [48,569]	1383, 1512	Higher Educ. Assistance Found. v. Cromartie [48,542]	933
Health Ins. Claim, <i>In re</i> (SSA Office of Hearings & App. Jan. 15, 1992) [47,832]	195	Hill v. Bechtel, 417 S.E.2d 844 (N.C. Ct. App. 1992)	841
Heard v. Heard, 614 A.2d 255 (Pa. Super. Ct. 1992) [47,773]	808	Hill v. Ibarra, 954 F.2d 1516 (10th Cir. 1992)	361
Hebert v. Chase Home Mortgage Corp., No. 92-E-00026 (N.H. Super. Ct. Hillsborough County Feb. 24, 1992) [48,739]	1495	Hill v. Rohner [48,643]	1379
Hedstrom v. Sullivan, 783 F. Supp. 553 (D. Colo. 1992)	359	Hill v. Sullivan, No. 90-CV-132C (W.D.N.Y. July 8, 1992) [46,649]	664
Hegenes Properties v. Reed, No. UD-4920624902 (Minn. Dist. Ct. Hennepin County Aug. 5, 1992) [48,366]	817	Hill v. Zielinski, 972 F.2d 116 (5th Cir. 1992)	1390
Heichelbech v. Evans, 798 F. Supp. 708 (M.D. Ga. 1992) [48,688]	1501	Hiller v. Adams County, 480 N.W.2d 563 (Wis. Ct. App. 1992)	361
Heldman v. Sobol, 962 F.2d 148 (2d Cir. 1992)	687	Hillside Apartments, <i>In re</i> (FmHA Nov. 20, 1992) [48,734]	1496
Heller v. Doe [33,390]	1500	Himes v. Sullivan, 806 F. Supp. 413 (W.D.N.Y. 1992) [46,978]	1628
Heller v. Travel America, Inc. 593 N.E.2d 122 (Ill. App. Ct. 1992)	685	Hingson, <i>In re</i> , 954 F.2d 428 (7th Cir. 1992)	347
Helmick v. Kansas Employment Sec. Bd. of Rev., 839 P.2d 49 (Kan. Ct. App. 1992)	1536	Hinrichs v. Whitburn, 975 F.2d 1329 (7th Cir. 1992) [45,544]	1404
Henderson v. Illinois Dep't of Employment Sec., 595 N.E.2d 96 (Ill. App. Ct. 1992)	849	Hins v. Lucas Western, 484 N.W.2d 491 (N.D. 1992)	698
Henize v. Giles, 590 N.E.2d 66 (Ohio Ct. App. 1990) [40,271]	471	Hobson Grove Apartments v. Edmonds, No. 92-C-00219 (Ky. Dist. Ct. Warren County Apr. 6, 1992) [47,764]	335
Henry v. Housing Auth. of Charleston, W. Va., No. 2:92-0240 (S.D. W. Va. Apr. 8, 1992) [48,064]	334	Hodge v. Sullivan, 791 F. Supp. 256 (D. Or. 1992)	697
		Hodges v. Adult & Family Servs. Div., 826 P.2d 1056 (Or. Ct. App. 1992)	472
		Hollman v. Kemp [48,294]	668

Holman, <i>In re</i> , No. AR: 92-C-01311 (Ill. Dep't of Employment Sec. Benefit App. Subdivision Sept. 8, 1992) [48,517]	955	Howell v. Sullivan, No. CIV. 3-91-628 (E.D. Tenn. June 16, 1992) [48,466]	823
Home Owner Funding Corp. of Am. v. Belanger, 962 F.2d 345 (4th Cir. 1992)	685	HUD v. Robinson, 833 P.2d 1260 (Okla. Ct. App. 1992)	970
Homebank, FSB v. Stephen [48,738]	1484	Hudson v. Cincinnati Metro. Hous. Auth., No. C-1-92-279 (S.D. Ohio Mar. 31, 1992) [48,031]	198
Homeward Bound, Inc. v. Hissom Memorial Center, 963 F.2d 1352 (10th Cir. 1992) [42,759]	684	Hudson v. McMillian, 112 S. Ct. 995 (1992)	233
Hook v. Arizona Dep't of Corrections, 972 F.2d 1012 (9th Cir. 1992)	1400	Huey v. Sullivan, 971 F.2d 1362 (8th Cir. 1992)	1389
Hopkins v. New Bedford Hous. Auth., No. 90-02580 (Mass. Super. Ct. Bristol County Feb. 27, 1991) [47,925]	200	Hulse v. Job Serv. N.D., 492 N.W.2d 604 (N.D. 1992)	1632
Horizon Hous. Dev. Servs. v. Township of Upper Southampton, 804 F. Supp. 683 (E.D. Pa. 1992) [45,191]	806	Hunt v. Chicago Hous. Auth. [47,919]	190
Horne v. Coughlin, 795 F. Supp. 72 (N.D.N.Y. 1991)	973	Hunt v. Ohio Dep't of Rehabilitation & Correction, 603 N.E.2d 1081 (Ohio Ct. App. 1991)	1532
Houlihan, <i>In re</i> , 596 N.E.2d 189 (Ill. App. Ct. 1992)	845	Huntington Branch, NAACP v. Huntington, N.Y., 961 F.2d 1048 (2d Cir. 1992)	684
House v. Heim [48,282]	656	Hussion v. Madigan, 950 F.2d 1546 (11th Cir. 1992)	221
House v. Hillhaven, Inc., 412 S.E.2d 893 (N.C. Ct. App. 1992)	348	Hurt v. Philadelphia Hous. Auth., 806 F. Supp. 515 (E.D. Pa. 1992)	1629
Houser v. Farrer, No. 90CV-752 (Tenn. Ch. Ct. Rutherford County Mar. 19, 1992) [48,047]	337	Hutchinson v. Cox, No. C-3-90-206 (S.D. Ohio Jan. 31, 1992) [47,863]	178
Housing Auth. v. Ponca City, 952 F.2d 1183 (10th Cir. 1991)	232	Hutchinson v. Randall, No. BAN-92CV9 (Me. Dist. Ct. Penobscot County Jan. 6, 1992) [48,567]	1376
Housing Auth. of Bangor v. Rogers, No. 92-FE-29 (Me. Dist. Ct. Penobscot County Apr. 6, 1992) [48,203]	555	Hyman, <i>In re</i> , No. 91-OAD-008 (D.C. Dep't of Consumer & Regulatory Affairs Office of Adjudication Mar. 5, 1991) [48,267]	667
Housing Auth. of City of Norwalk v. Harris, 611 A.2d 934 (Conn. Ct. App. 1992)	1397	I	
Housing Auth. of Elgin v. Ellis, 589 N.E.2d 166 (Ill. App. Ct. 1992)	466	Ihler v. South, No. ADV-88-383 (Mont. Dist. Ct. Lewis & Clark County July 15, 1992) [43,453]	1377
Housing Auth. of El Paso, Tex. v. Rodriguez-Yopez, 828 S.W.2d 499 (Tex. Ct. App. 1992) [48,028]	179	Illinois v. Hines, 602 N.E.2d 902 (Ill. Ct. App. 1992)	1520
Housing Dev. Corp. v. Schaut [48,796]	1616	Illinois Council on Long Term Care v. Bradley, 957 F.2d 305 (7th Cir. 1992)	353
Howard, <i>In re</i> , No. 90211223 AM (Cal. Dep't of Social Servs. Dec. 6, 1992) [48,682]	1516	Illinois Dep't of Pub. Aid v. Miller, 586 N.E.2d 1251 (Ill. 1992)	350
Howard v. Colonial Sch. Dist., 605 A.2d 590 (Del. Super. Ct. 1992)	571	Illinois <i>ex rel.</i> LeGout v. Decker, 586 N.E.2d 1257 (Ill. 1992)	351
Howard v. Sharp [47,865]	180	Illinois <i>ex rel.</i> Massey v. Jones, 599 N.E.2d 48 (Ill. Ct. App. 1992)	1392
Howe v. Ellenbecker, 796 F. Supp. 1276 (D.S.D. 1992) [45,531]	548, 806	Income Tax Buyers v. Hamm, No. 91-CP-40-3193 (S.C. Ct. C.P. Richland County Jan. 14, 1992) [46,756]	930
Howell v. Heim, No. SF-91-2638 (C) (N.M. Dist. Ct. Santa Fe County Feb. 27, 1992) [48,147]	452		

Indiana Civil Rights Comm'n v. Wellington Village Apartments, 594 N.E.2d 518 (Ind. Ct. App. 1992)	694	J.P. III, Inc. v. Keokanya, No. 92-SC-14362 (Wis. Cir. Ct. Dane County Dec. 4, 1992) [48,671]	1374
Indiana Dep't of Human Servs. v. Firth, 590 N.E.2d 154 (Ind. Ct. App. 1992)	459	J. Bar J. Trailer Ranch v. Navarro [48,511]	947
Indiana Dep't of Pub. Welfare v. Hupp, No. 60C01-9001-CP-005 (Ind. Cir. Ct. Owen County Feb. 10, 1992); No. 60A01-9206-CV-174 (Ind. Sup. Ct. Jan. 15, 1993) [47,080]	217, 957, 1513	Jackson, <i>In re</i> , No. 91 B 15999 (Bankr. N.D. Ill. Jan. 22, 1992) [47,573]	177
Indiana Dep't of Pub. Welfare v. Payne, 592 N.E.2d 714 (Ind. Ct. App. 1992)	691	Jackson v. Culinary Sch. of Wash., 811 F. Supp. 714 (D.D.C. 1992); No. 91-782 (CRR) (D.D.C. Jan. 6, 1993) [48,037]	187, 1606
Indiana Fed. Credit Union v. Cox, No. 07C01-9009-CP201 (Ind. Cir. Ct. Brown County Dec. 16, 1992) [48,109]	322	Jackson v. Fort Stanton Hosp. & Training Sch., 964 F.2d 980 (10th Cir. 1992)	687
Indiana Terrace Tenants Org. v. Graham [48,132]	437	Jackson v. Okaloosa County, Fla., [48,543]	1370
Inmates of the Allegheny County Jail v. Wecht, 797 F. Supp. 428 (W.D. Pa. 1992) [21,698]	1401	Jackson v. W., 419 S.E.2d 385 (Va. Ct. App. 1992)	971
Iowa Dep't of Human Servs. v. HHS, 961 F.2d 769 (8th Cir. 1992)	699	Jacobs v. Barr, 959 F.2d 313 (D.C. Cir. 1992) [48,041]	319
Iowa <i>ex rel.</i> Campbell v. Christensen, No. 28723 (Iowa Dist. Ct. Dallas County May 6, 1992) [48,268]	672	Jacobson v. Johnson, 798 F. Supp. 500 (C.D. Ill. 1992)	1391
Iowa <i>ex rel.</i> Mack v. Mack, 479 N.W.2d 327 (Iowa 1992)	239	James v. Madigan, 806 F. Supp. 239 (M.D. Ala. 1992) [48,139]	434, 1361
Iowa <i>ex rel.</i> Wagner v. Wagner, 480 N.W.2d 883 (Iowa 1992)	460	James v. Perales, No. 91-06266 (N.Y. Sup. Ct. App. Div. June 29, 1992) [48,343]	829
Irizary v. Springfield Hous. Auth., No. 92-CV-0088 (Mass. Hous. Ct. Hampden County Apr. 29, 1992) [48,136]	442	James v. School Dist. [48,137]	434
Ismael v. Goodman Toyota, 417 S.E.2d 290 (N.C. Ct. App. 1992)	686	James v. St. Petersburg, Fla. [46,180]	1379
Ivy v. Secretary of HHS, 976 F.2d 288 (6th Cir. 1992)	1402	Jamison v. Unemployment Compensation Bd. of Review, 602 A.2d 420 (Pa. Commw. Ct. 1992) [47,758]	211
Izquierdo v. Morales, No. CIV A18377 (Cal. Super. Ct. Los Angeles County Aug. 20, 1992) [48,498]	946	Jansen v. City of Cincinnati, 977 F.2d 238 (6th Cir. 1992) [48,604]	1361
J		Jennings v. Ibarra, No. 91-CV-0016 (Colo. Dist. Ct., Denver County, Dec. 4, 1992) [48,097]	344
J., C., Welfare of, <i>In re</i> , 481 N.W.2d 861 (Minn. Ct. App. 1992)	462	Jensen v. Gunter, 807 F. Supp. 1463 (D. Neb. 1992)	1631
J., T., <i>In re</i> , 482 N.W.2d 850 (N.D. 1992)	468	Jepson v. HHS, 977 F.2d 911 (4th Cir. 1992)	1532
J. v. Little Rock Sch. Dist., 794 F. Supp. 1405 (E.D. Ark. 1992)	963	Jarrell v. Town of Topsail Beach, 412 S.E.2d 681 (N.C. Ct. App. 1992)	221
J., P. v. Connecticut Bd. of Educ., 788 F. Supp. 673 (D. Conn. 1992)	571	John, <i>In re</i> , 605 A.2d 486 (R.I. 1992)	460
		Johnson v. Anderson, 590 N.E.2d 1146 (Ind. Ct. App. 1992)	686
		Johnson v. Berson [48,256]	450, 679
		Johnson v. Derwinski, 949 F.2d 394 (Fed. Cir. 1991)	239
		Johnson v. Dickson [48,537]	934
		Johnson v. Employment Sec. Dep't, 824 P.2d 505 (Wash. Ct. App. 1992)	238
		Johnson v. Fleet Fin., Inc. [47,940]	1356

Johnson v. Johnson, 595 N.E.2d 388 (Ohio Ct. App. 1991)	838
Johnson v. Secretary of HHS, 948 F.2d 989 (6th Cir. 1991)	235
Johnson v. Sullivan [47,782]	950
Johnson v. United States Elevator Corp., 779 F. Supp. 465 (E.D. Mo. 1991)	226
Johnson v. United States R.R. Retirement Bd., 969 F.2d 1082 (D.C. Cir. 1992) [45,233]	821
Johnson v. United States Textiles Corp., 414 S.E.2d 374 (N.C. App. Ct. 1992)	360
Johnston v. American Reliable Ins. Co., 833 P.2d 176 (Mont. 1992)	971
Johnston v. Lehman, 609 A.2d 880 (Pa. Commw. Ct. 1992)	973
Jones, Adoption of, <i>In re</i> , 591 N.E.2d 823 (Ohio Ct. App. 1990)	569
Jones v. Brown & Root Corp. Servs., 607 So. 2d 258 (Ala. Civ. App. 1992)	1536
Jones v. Derwinski, 968 F.2d 1497 (2d Cir. 1992)	976
Jones v. Fleet Fin. Inc. of Ga., No. 92-RCCV-519 (Ga. Super. Ct. Richmond County July 6, 1992) [47,942]	1358
Jones v. Ginn, Haase, & Kleinman, No. 91-3456 (N.D. Ohio Apr. 27, 1992) [48,160]	431
Jones v. Gregg [48,485]	934
Jones v. Huff, 789 F. Supp. 526 (N.D.N.Y. 1992)	695
Jones v. Madigan [44,523]	800
Jones v. Milwaukee County, 485 N.W.2d 21 (Wis. 1992) [44,197]	215, 565
Jones v. Principi, No. 92-7047 (Fed. Cir. Nov. 19, 1992) [48,412]	799, 1352
Jones v. Sullivan, 804 F. Supp. 1398 (D. Kan. 1992)	1535
Jones v. Sullivan, 804 F. Supp. 1045 (N.D. Ill. 1992)	1534
Jones v. Sullivan, 779 F. Supp. 1033 (W.D. Mo. 1991)	236
Jones v. Sullivan, 949 F.2d 57 (2d Cir. 1991)	235
Jones v. Sullivan, 953 F.2d 1291 (11th Cir. 1992) [47,994]	207
Jordan v. Gardner, 953 F.2d 1137 (9th Cir. 1992)	234
Jordano v. Steffen, 787 F. Supp. 886 (D. Minn. 1992)	573

Joseph, <i>In re</i> (SSA Office of Hearings & App. Mar. 27, 1992) [48,206]	560
Joseph v. Brown, No. 92-5588 CC 26 (Fla. County Ct. Dade County Dec. 23, 1992) [48,699]	1500
Joseph v. Department of Labor, 787 F. Supp. 247 (D.D.C. 1992)	574
Joseph v. State, 600 So. 2d 298 (Ala. Civ. App. 1992)	849
Judy v. Schaefer, No. 92307054/CE156042 (Md. Cir. Ct. Baltimore City Dec. 2, 1992) [48,649]	1514

K

K., <i>In re</i> , No. 1751756N (N.Y. Dep't of Social Servs. Dec. 31, 1991) [48,402]	806
K., <i>In re</i> (Ind. Family & Social Servs. Admin. Div. of Family & Children Aug. 14, 1992) [48,408]	814
K. v. Bergen County Bd. of Social Servs., No. HPW 5117-92 (N.J. Dep't of Human Servs. Div. of Econ. Assistance Oct. 20, 1992) [48,619]	1386
K. v. K. [48,698]	1498
K. v. New York Hosp.-Cornell Medical Center, No. 4869/91 (N.Y. Sup. Ct. Orange County June 4, 1992) [48,743]	1502
Kaiser v. County of Sacramento, 780 F. Supp. 1309 (E.D. Cal. 1991)	234
Kansas City Club v. Labor & Indus. Relations Comm'n, 840 S.W.2d 273 (Mo. Ct. App. 1992)	1536
Kansas Health Care Ass'n v. Kansas Dep't of Social & Rehabilitation Servs., 958 F.2d 1018 (10th Cir. 1992)	465
Kansas <i>ex rel.</i> Stephan v. Hanna [48,272]	655
Kansas <i>ex rel.</i> Stephan v. Sams [48,281]	655
Kansas Health Care Ass'n v. Kansas DSRS, 794 F. Supp. 356 (D. Kan. 1992)	968
Katz v. Secretary of HHS, 972 F.2d 290 (9th Cir. 1992)	1402
Katzer v. Baldor Elec. Co., 969 F.2d 935 (10th Cir. 1992)	967
Kaw v. Commissioner, Me. Dep't of Human Servs., 951 F.2d 444 (1st Cir. 1991) [45,849]	192

Keams v. Tempe Technical Inst., No. CIV 91-0728 PHX RCB (D. Ariz. Apr. 29, 1992); 807 F. Supp. 569 (D. Ariz. 1992) [46,793]	549, 1627	King, <i>In re</i> , No. 91-11980-FSF (Ill. Dep't of Pub. Aid Jan. 25, 1992) [48,767]	1608
Keays v. Florida Unemployment Appeals Comm'n, 592 So. 2d 1255 (Fla. Dist. Ct. App. 1992) [47,924]	211	King, <i>In re</i> , 476 N.W.2d 190 (Minn. Ct. App. 1991)	232
Keeton v. Housing Auth. of Morgantown, No. C92-0025 BG (M) (W.D. Ky. Mar. 19, 1992) [47,997]	197	King v. Bradley [47,992]	185, 657, 1487
Kegel v. State, 830 P.2d 563 (N.M. Ct. App. 1992)	691	King v. Fallon, 801 F. Supp. 925 (D.R.I. 1992)	1526
Keller v. Marion County Ambulance Dist., 820 S.W.2d 301 (Mo. 1991)	227	Kingston Square Tenants Assoc. v. Tuskegee Gardens, 792 F. Supp. 1566 (S.D. Fla. 1992)	843
Kelley v. Alamo, 964 F.2d 747 (8th Cir. 1992)	690	Kirby, <i>In re</i> , 829 P.2d 1139 (Wash. Ct. App. 1992)	695
Kelly v. Department of Health & Rehabilitative Servs., 596 So. 2d 130 (Fla. Dist. Ct. App. 1992)	577	Kirk v. Monroe County Tire, 585 N.E.2d 1366 (Ind. Ct. App. 1992) [47,337]	178
Kelly v. Kaladjian, 589 N.Y.S.2d 730 (Sup. Ct. 1992) [48,344]	830	Kirwan v. Kirwan, 606 So. 2d 771 (Fla. Dist. Ct. App. 1992)	1520
Kendrick v. Sullivan, 784 F. Supp. 94 (S.D.N.Y. 1992)	359	Kleidosty v. Employment Appeal Bd., 482 N.W.2d 416 (Iowa 1992)	470
Kennedy v. Sullivan [45,512]	1619	Klementowski v. Secretary of HHS, 801 F. Supp. 1022 (W.D.N.Y. 1992)	1526
Kennedy's Piggly Wiggly v. Cooper, 419 S.E.2d 278 (Va. Ct. App. 1992)	975	Kling v. Secretary of HHS, 790 F. Supp. 145 (N.D. Ohio 1992)	685
Kensington Joint Action Council v. Fidelity Bank [48,178]	431	Knop v. Johnson, 977 F.2d 996 (6th Cir. 1992)	1531
Kent v. Derwinski, 790 F. Supp. 1032 (E.D. Wash. 1991)	687	Knox v. McGinnis, 783 F. Supp. 349 (N.D. Ill. 1991)	357
Kent v. Sullivan, 788 F. Supp. 541 (N.D. Ala. 1992)	575	Knudson v. Pierce Publications, No. 91 2 00350 3 (Wash. Super. Ct. Lewis County June 16, 1992) [48,289]	660
Kenyon v. Regan, 826 P.2d 140 (Utah Ct. App. 1992) [45,482]	205	Koester v. Wellsville-Middletown R-1 Sch. Dist., 960 F.2d 69 (8th Cir. 1992)	458
Keopke, Marriage of, <i>In re</i> , 483 N.W.2d 612 (Iowa Ct. App. 1992)	688	Kocsis v. Pierce, 480 N.W.2d 598 (Mich. Ct. App. 1991)	350
Keplinger v. Keplinger, 839 S.W.2d 566 (Ky. Ct. App. 1992)	1521	Kolker v. Sanchez, No. CIV 90-1082 JP (D.N.M. Dec. 10, 1991) [46,774]	182
Kessler v. Kessler, No. 3:CV-91-2171 (M.D. Pa. July 30, 1991) [47,831]	177	Konarske v. Ford Motor Co., No. 90-CV-73054-DT (E.D. Mich. Aug. 24, 1992) [48,494]	934
Kerrigan v. Magnum Entertainment, Inc., 804 F. Supp. 733 (D. Md. 1992) [48,563]	1361	Kramarevsky v. Washington Dep't of Social & Health Servs., 822 P.2d 1227 (Wash. Ct. App. 1992) [46,946]	240
Ketchum v. Christensen, No. 5:91 CV 1364 (N.D. Ohio Feb. 3, 1992) [48,144]	430	Kramer v. New Mexico Human Servs. Dep't., 840 P.2d 1245 (N.M. Ct. App. 1992) [46,201]	958
Khiem v. United States, 612 A.2d 160 (D.C. 1992)	1399	Krebs v. Krebs. [48,293]	657
Kien v. Kien, No. 92-2-00217-3 (Wash. Super. Ct. Stevens County Jan. 7, 1992) [48,721]	1485	Kreimer v. Bureau of Police for Town of Morristown, 958 F.2d 1242 (3d Cir. 1992) [46,984]	457
Kildea v. Electro Wire Products, 792 F. Supp. 1046 (E.D. Mich. 1992)	840	Krikorian v. Rhode Island Dep't of Human Servs., 606 A.2d 671 (R.I. 1992)	568

Kronquist v. Whitburn, No. 89-C-1376 (E.D. Wis. Sept. 29, 1992) [45,344]	956
Kroot v. District of Columbia, 800 F. Supp. 976 (D.D.C. 1992)	1522
Kukuruza v. Kukuruza, 818 P.2d 334 (Idaho Ct. App. 1991)	223
Kruse v. Department of Public Aid, 596 N.E.2d 743 (Ill. App. Ct. 1992)	976
Kucharczyk v. Sullivan, 798 F. Supp. 283 (D. Md. 1992) [48,482]	951

L

L., <i>In re</i> , No. 92-15543 FJ02 (Fla. Cir. Ct. Dade County July 15, 1992) [48,684]	1499
L., <i>In re</i> (SSA Office of Hearings & App. Nov. 20, 1992) [48,762]	1612
L., <i>In re</i> , 601 A.2d 630 (Me. 1992)	355
L., D., <i>In re</i> , 589 N.E.2d 680 (Ill. App. Ct. 1992)	461
L., D., <i>In re</i> , 479 N.W.2d 408 (Minn. Ct. App. 1991); 486 N.W.2d 375 (Minn. 1992)	224, 836
L., L., <i>In re</i> , 482 N.W.2d 854 (N.D. 1992)	468
L., S., <i>In re</i> , 599 N.E.2d 227 (Ind. Ct. App. 1992)	1392
L. v. C., No. C-91-5 (Wyo. Sup. Ct. Sept. 11, 1992) [48,481]	931
L. v. SSA, No. 91-55267 (9th Cir. July 15, 1992) [45,956]	823
L., D. v. Commissioner of Social Servs., 591 N.E.2d 173 (Mass. 1992)	573
L., J. v. Miller, 614 A.2d 808 (Vt. 1992)	1529
L., John v. Adams, 969 F.2d 228 (6th Cir. 1992) [45,569]	970
L., Mr. & Mrs. v. Woonsocket Educ. Dep't, 793 F. Supp. 41 (D.R.I. 1992)	834
L., Ruth v. Missouri, 830 S.W.2d 528 (Mo. Ct. App. 1992)	845
LaBelle v. Sullivan, No. 91-1041-Civ-J-16 (M.D. Fla. Sept. 25, 1992) [48,526]	950
LaBrie v. Secretary of HHS, 976 F.2d 779 (1st Cir. 1992) [46,031]	317, 1388
Lamberton v. Sullivan [48,257]	679
Lamore v. Ives, 977 F.2d 713 (1st Cir. 1992) [48,148]	435, 1364
Lampkin v. District of Columbia, 60 U.S.L.W. 2807 (D.D.C. June 9, 1992) [48,581]	1360
Landon v. Sullivan, No. CIV-90-1017L (W.D.N.Y. Feb. 14, 1992) [47,923]	176
Landry v. Nauls, 831 S.W.2d 603 (Tex. Ct. App. 1992)	838
Landry v. Shell Oil Co., 597 So. 2d 521 (La. Ct. App. 1992)	576
Langer v. Employment Div., 826 P.2d 6 (Or. Ct. App. 1992)	360
Langford v. Langford, 492 N.W.2d 524 (Mich. Ct. App. 1992)	1627
Langley v. Employment Appeal Bd., 490 N.W.2d 300 (Iowa Ct. App. 1992)	1536
Langley v. Langley, 596 A.2d 89 (Md. Ct. Spec. App. A991)	223
Langon v. HHS, 959 F.2d 1053 (D.C. Cir. 1992) [48,039]	323
Langston v. Leavitt, No. CIV-92-2220R (W.D. Okla. Feb. 5, 1992) [48,642]	1366, 1609
LaPoint v. Secretary of Educ. [48,799]	1607
Larranaga v. Mile High Collection & Recovery Bureau, No. CIV 91-111 JC/RWM (D.N.M. Jan. 29, 1992) [46,775]	182
LaRue v. Fairman, 780 F. Supp. 1190 (N.D. Ill. 1991)	235
LaRue v. LaRue, 832 S.W.2d 387 (Tex. Ct. App. 1992)	839
Laska v. House, 485 N.W.2d 439 (Wis. Ct. App. 1992)	686
Latella v. Atlantic Advisors, No. 2:91CV00603 (PCD) (D. Conn. May 11, 1992) [47,946]	1603
Lauderback v. Master Collectors, No. 91-6221-JO (D. Or. Oct. 17, 1991) [46,768]	183
Lavertue v. Madigan [48,726]	1494
Lazzazero, <i>In re</i> , No. p563246 (N.Y. Dep't of Social Servs. Sept. 29, 1992) [48,582]	1363
Leach v. Johnston, 812 F. Supp. 1198 (M.D. Fla. 1992) [48,676]	1502
Ledesma v. Seattle Sch. Dist. No. 1 [48,677]	1489
Legalization Assistance Project of the Los Angeles County Fed'n of Labor v. INS, 976 F.2d 1198 (9th Cir. 1992)	1398
Lendino v. Trans Union Credit Information Co., 970 F.2d 1110 (2d Cir. 1992)	963
Lenz v. Secretary of HHS, 798 F. Supp. 69 (D.N.H. 1992)	1389
Leon v. Michigan Bd. of Educ., 807 F. Supp. 1278 (E.D. Mich. 1992)	1626
Lepak v. McClain, 844 P.2d 852 (Okla. 1992) [48,804]	1602

Lepez-Mejia v. INS, 798 F. Supp. 625 (C.D. Cal. 1992)	1398
Levenson v. Oliver, 413 S.E.2d 501 (Ga. Ct. App. 1991)	231
Levin v. Harleston, 966 F.2d 85 (2d Cir. 1992)	835
Lewis v. Grinker, 965 F.2d 1206 (2d Cir. 1992); 794 F. Supp. 1193 (E.D.N.Y. 1991) [42,159]	841, 969
Liberty Manor v. Rinnels, 487 N.W.2d 324 (Iowa 1992)	971
Libke v. Kemp, No. 91-6415-HO (D. Or. Feb. 28, 1992) [48,072]	334
Lidy v. Sullivan [48,033]	175
Lightbody v. Madigan, No. 91-2921 (E.D. Pa. Sept. 15, 1992) [48,661]	1362
Lillard v. Farm Credit Servs. of Mid-America, 831 S.W.2d 626 (Ark. Ct. App. 1992)	847
Lilly v. North Carolina Dep't of Human Resources, 413 S.E.2d 316 (N.C. Ct. App. 1992) [48,029]	191
Lindner v. Sullivan, 799 F. Supp. 888 (N.D. Ill. 1992)	1389
Linton v. Commissioner of Health & Env't, 973 F.2d 1311 (6th Cir. 1992) [42,967]	1395
Lipscomp v. Simmons, 962, F.2d 1374 (9th Cir. 1992)	693
Liscomb v. Environmental Consulting, No. 92-3393 (Ky. Unemployment Ins. Comm'n July 2, 1992) [48,151]	449, 562
Little v. Kelly, No. 91-14119 (D.C. Super. Ct. Mar. 9, 1992); No. CA 91-14119 (D.C. Super. Ct. Sept. 8, 1992) [47,460]	216, 959
Little v. Stoops, 585 N.E.2d 475 (Ohio Ct. App. 1989)	220
Littlefield v. McGuffey, 954 F.2d 1337 (7th Cir. 1992); 979 F.2d 101 (7th Cir. 1992)	354, 1518
Lloyd v. Housing Auth. of Kirksville, Mo. [48,658]	1371
Local 327, Int'l Union v. Proper, No. 91-1432 (N.Y. Sup. Ct. Columbia County Jan. 14, 1992) [47,991]	191
Locher v. Sullivan, 968 F.2d 725 (8th Cir. 1992)	847
Lockhart v. Lockhart, 603 N.E.2d 864 (Ind. Ct. App. 1992)	1520
Loper v. New York City Police Dep't, 802 F. Supp. 1029 (S.D.N.Y. 1992)	1527
Lopez v. Secretary of HHS, 798 F. Supp. 1351 (N.D. Ind. 1992)	1534
Lopez v. Sullivan, 780 F. Supp. 496 (N.D. Ill. 1992)	349

Lowery v. Sullivan, 979 F.2d 835 (11th Cir. 1992)	1533
Lubold v. Snider [48,774]	1615
Luckett v. Jett, 955 F.2d 1152 (7th Cir. 1992); 966 F.2d (7th Cir. 1992)	349, 835
Luera v. Hilton [48,549]	926
Lundstrum v. Lyng, 954 F.2d 1142 (6th Cir. 1991)	357
Luyando v. Sullivan, 808 F. Supp. 283 (S.D.N.Y. 1992) [42,662]	1383
Luzerne County Children & Youth Servs. v. Cottam, 603 A.2d 212 (Pa. Super. Ct. 1992)	463
Lybrook, <i>In re</i> , 951 F.2d 136 (7th Cir. 1991)	221
Lynch v. PPG Indus., 412 S.E.2d 163 (N.C. Ct. App. 1992)	237
Lyon v. Grossheim, 803 F. Supp. 1538 (S.D. Iowa 1992)	1531
Lyons, <i>In re</i> , 957 F.2d 444 (7th Cir. 1992)	349

M

M., <i>In re</i> [48,298]	671
M., <i>In re</i> (SSA Office of Hearings & App. Aug. 10, 1992) [48,492]	938
M., <i>In re</i> , No. C8-91-1795 (Minn. Ct. App. Sept. 17, 1991) [48,127]	444
M., Adoption of, <i>In re</i> , 832 P.2d 518 (Wash. Ct. App. 1992)	846
M., J., <i>In re</i> , 590 So. 2d 565 (La. 1991)	221
M., M., <i>In re</i> , 589 N.E.2d (Ill. App. Ct. 1992)	461
M., N.L., Paternity of, <i>In re</i> , 479 N.W.2d 237 (Wis. Ct. App. 1991)	224
M., W., <i>In re</i> , 828 P.2d 378 (Mont. 1992)	458
M. v. Muether [48,108]	338
M. v. R. [47,985]	205
M. v. Richardson [45,225]	819
M.A. Bruder & Sons Inc. v. Unemployment Compensation Bd. of Review, 603 A.2d 271 (Pa. Commw. Ct. 1992)	471
MacInness v. Gallant, 593 N.E.2d 222 (Mass. 1992) [47,778]	215, 699
Mackie, Marriage of, <i>In re</i> , 832 P.2d 1240 (Or. Ct. App. 1992)	838
Madigan v. Johnson, No. 1:91-cv-1412-MHS (N.D. Ga. Mar. 26, 1992) [46,874]	328, 661
Madison v. Williams Island Country Club, 606 So. 2d 687 (Fla. Dist. Ct. App. 1992)	1536

Madison County, Fla. v. Foxx, No. 90-161-CA (Fla. Cir. Ct., Madison County, Nov. 25, 1991) [48,209]	561, 676
Madisonville Consol. Indep. Sch. Dist. v. Texas Employment Comm'n, 821 S.W.2d 310 (Tex. Ct. App. 1991)	238
Magray v. Sullivan, 807 F. Supp. 495 (E.D. Wis. 1992)	1625
Maher v. White [46,298]	556
Maine v. American Ass'n for Senior Citizens [48,276]	673
Maine Ass'n of Interdependent Neighborhoods v. Ives, No. 91-0133-P (D. Me. Jan. 15, 1992) [48,094]	564
Mains Farm Homeowners Ass'n v. Worthington, 824 P.2d 495 (Wash. Ct. App. 1992) [48,134]	229, 440
Malek v. Wisconsin Dep't of Health & Social Servs., No. 91CV4788 (Wis. Cir. Ct. Dane County June 1, 1992) [48,186]	436
Manchester Sch. Dist. v. B., 807 F. Supp. 860 (D.N.H. 1992)	1626
Manes v. Knapp, No. 92-13988 CC 23 (Fla. County Ct. Dade County Dec. 17, 1992) [48,706]	1500
Manning v. Cigna Corp., 807 F. Supp. 889 (D. Conn. 1991)	1628
Manzo v. Sullivan, 784 F. Supp. 1152 (D.N.J. 1991)	470
Mapes v. County of Washoe, Nev. [48,472]	830
Marbruank, Inc. v. City of Stow, Ohio, 974 F.2d 43 (6th Cir. 1992) [47,223]	1396
Marbury v. Sullivan, 957 F.2d 837 (11th Cir. 1992)	359
Marcus v. Sullivan, 793 F. Supp. 812 (N.D. Ill. 1992) [38,704]	427
Maricopa County Juvenile Action, <i>in re</i> , 828 P.2d 1231 (Ariz. Ct. App. 1991); 828 P.2d 1245 (Ariz. Ct. App. 1991)	569, 574
Margulies v. Pallott & Poppell, 599 So. 2d 195 (Fla. Dist. Ct. App. 1992)	849
Markel v. City of Circle Pines, 479 N.W.2d 382 (Minn. 1992)	237
Marker v. Grimm, 601 N.E.2d 496 (Ohio 1992) . .	1519
Marquez, <i>in re</i> (SSA Office of Hearings & App. Aug. 24, 1992) [48,520]	954
Marshall, <i>in re</i> , 970 F.2d 383 (7th Cir. 1992) . . .	964
Marshall v. Switzer [48,744]	1486

Martin v. Illinois Dep't of Pub. Aid, No. 90-MR-22 (Ill. Cir. Ct. Union County Sept. 12, 1991) [47,993]	217
Martin v. Sullivan, 976 F.2d 582 (9th Cir. 1992) [43,401]	340, 1403
Martinez v. Wilson, No. CV 91-3343 RMT (Sx) (C.D. Cal. Mar. 31, 1992); No. CV 91-3343-RMT (Sx) (C.D. Cal. June 26, 1992) [48,159]	447, 559
Martins v. Rhode Island Dep't of Human Servs., 606 A.2d 671 (R.I. 1992) [46,723] . . .	318
Marturello v. Angus, 957 F.2d 732 (10th Cir. 1992) [45,833]	361
Martyr v. Mazur-Hart, 789 F. Supp. 1081 (D. Or. 1992)	694
Mary, <i>in re</i> (Conn. Dep't of Income Maintenance Sept. 21, 1992) [48,548]	938
Maryland Dep't of Human Resources v. United States Dep't of Agric., 976 F.2d 1462 (4th Cir. 1992) [39,569]	1395
Mason v. Bradley, 789 F. Supp. 273 (N.D. Ill. 1992) [48,202]	563
Massachusetts Dep't of Pub. Health v. School Comm. of Tewksbury, No. 91-12727-K (D. Mass. Feb. 7, 1992) [47,979]	188
Massachusetts Fed'n of Nursing Homes v. Massachusetts, 791 F. Supp. 899 (D. Mass. 1992)	842
Massachusetts Hosp. Ass'n v. Department of Medical Sec., 588 N.E.2d 679 (Mass. 1992)	466
Massaro v. Mainlands Section 1 & 2 Civic Ass'n, 796 F. Supp. 1499 (S.D. Fla. 1992) . .	1396
Massey v. Bryant-Banks, No. 91-1986 (E.D. La. Aug. 4, 1992) [46,721]	828
Masotti v. Tustin Unified Sch. Dist., 806 F. Supp. 221 (C.D. Cal. 1992)	1625
Matthew v. Maryland Office of Children, Youth & Families, No. 92-OCYF-PGEO-01-648 (Md. Office of Admin. Hearings Oct. 5, 1992) [48,556]	1359
Mattoon v. City of Pittsfield, 980 F.2d 1 (1st. Cir. 1992)	1628
Mattson v. U.S. West Communications, 967 F.2d 259 (8th Cir. 1992)	835
Maynard v. Williams, No. TCA 92-40279-MMP (N.D. Fla. Aug. 25, 1992) [48,528]	956
Mazzarella v. McGinnes, No. 91 CVG 30291 (Cleveland, Ohio, Mun. Ct. Dec. 30, 1991) [48,368]	820

McBride v. Coleman, 955 F.2d 571 (8th Cir. 1992)	357	Merrow v. General Motors Corp., No. 91-CV-72677-DT (E.D. Mich. Apr. 29, 1992) [48,197]	434
McCall v. McCall, 596 So. 2d 4 (Ala. 1991)	569	Merry v. Parkway Sch. Dist., No. 88-2189-C-7 (E.D. Mo. Mar. 24, 1992) [48,104]	327
McCarthy v. Madigan, 112 S. Ct. 1081 (1992)	233	Merz v. Secretary of HHS, 969 F.2d 201 (6th Cir. 1992)	974
McClain v. Smith, No. CIV-3-89-674 (E.D. Tenn. May 5, 1990) [47,921]	189	Met Council v. Crosson [48,253]	670
McClure v. International Union, UAW, No. 5:91-CV-90 (W.D. Mich. Aug. 3, 1992) [48,351]	810	Metal Powder Products v. ADMR, Ohio Bureau of Employment Servs., 591 N.E.2d 1285 (Ohio Ct. App. 1990)	576
McConnelville Assocs. v. Gladden, No. 92-CV-G-56 (Ohio County Ct. Morgan County Sept. 28, 1992) [48,546]	943	Metropolitan Dade County v. Boone [48,631]	1373
McDaniel v. Computer Checking Account Verification Sys., No. 1:91-CV-1234-JTC (N.D. Ga. May 11, 1992) [47,743]	431	Metropolitan Dade County v. Brownlee, No. 92-104 CC 20 (Fla. County Ct. Dade County May 4, 1992) [48,153]	440
McDonald v. Secretary of HHS, 796 F. Supp. 616 (D. Mass. 1992)	1403	Metropolitan Dade County v. Florence, [48,632]	1373
McInnis, Guardianship of, <i>In re</i> , 584 N.E.2d 1389 (Ohio P. Ct. 1991)	228	Metropolitan Dade County v. Mitagstein, [48,628]	1372
McIntyre v. Schick, 795 F. Supp. 777 (E.D. Va. 1992)	1396	Metropolitan Dade County v. Raines, No. 92-004438 CC 05 (Fla. County Ct. Dade County June 25, 1992)	669
McKean-Coffman v. Employment Div., 824 P.2d 410 (Or. 1992)	237	Metropolitan Dade County v. Smith, No. 92-1356 CC 05 (Fla. County Ct. Dade County Apr. 8, 1992) [48,152]	440
McMillan v. McCrimmon, 807 F. Supp. 475 (C.D. Ill. 1992) [48,234]	550, 812	Metropolitan Dade County v. Thompson, No. 92-1371 CC 23 (Fla. County Ct. Dade County Mar. 24, 1992) [48,156]	441
McNeal v. Coffield, 603 N.E.2d 436 (Ohio Ct. App. 1992)	1521	Metropolitan Dade County v. Walker, No. 92-02244 CC 05 (Fla. County Ct. Dade County Mar. 23, 1992) [48,154]	440
Meadows v. Cagle's Inc., 954 F.2d 686 (11th Cir. 1992)	353	Metropolitan Edison v. Unemployment Compensation Bd. of Review, 606 A.2d 955 (Pa. Commw. Ct. 1992)	576
Medley v. City of Milwaukee, 969 F.2d 312 (7th Cir. 1992)	969	Metropolitan Sch. Dist. of Wayne Township v. Davila, 969 F.2d 485 (7th Cir. 1992) [47,178]	966
Medley v. North Carolina Dep't of Correction, 412 S.E.2d 654 (N.C. 1992)	235	Meyer v. Sullivan, 958 F.2d 1029 (11th Cir. 1992)	455
Meehan v. Madigan, No. C91-1472R (W.D. Wash. Feb. 19, 1992) [47,156]	198	MH-90-00566, <i>In re</i> , 840 P.2d 1042 (Ariz. Ct. App. 1992)	1529
Melton v. Rowe, No. 334471 (Conn. Super. Ct. Aug. 11, 1992) [48,423]	958	Michaluk, <i>In re</i> , No. 94-0016 (Cal. Dep't of Health Servs. Los Angeles County Dec. 14, 1992) [48,697]	1492
Mendez v. Sullivan, 792 F. Supp. 375 (E.D. Pa. 1992)	834	Michigan Protection & Advocacy Servs., Inc. v. Babin, 799 F. Supp. 695 (E.D. Mich. 1992)	1397
Mentzer v. Van Scyoc, 599 N.E.2d 58 (Ill. App. Ct. 1992) [48,073]	322, 803	Micus v. Bowen, 979 F.2d 602 (7th Cir. 1992)	1533
Mercado v. Commissioner of Income Maintenance, 222 Conn. 69 (1992) [48,173]	564	Mid-Northern Management v. Heinzeroth, 599 N.E.2d 568 (Ill. App. Ct. 1992) [48,647]	1371
Mercer County Bd. of Educ. v. Gatson, 412 S.E.2d 249 (W. Va. 1991)	237		
Merchant, <i>In re</i> , 958 F.2d 738 (6th Cir. 1992)	456		
Meritor Mortgage Corp.-E. v. Henderson, 617 A.2d 1323 (Pa. Super. Ct. 1992) [48,717]	1484		

Miles v. Konvalenka, 791 F. Supp. 212 (N.D. Ill. 1992)	695
Militello v. Board of Educ. of Union City, 803 F. Supp. 974 (D.N. J. 1992)	1519
Miller, <i>In re</i> , 585 N.E.2d 396 (Ohio 1992)	231
Miller v. Illinois Dep't of Employment Sec., No. 91-MR-174 (Ill. Cir. Ct. Sangamon County July 1, 1992) [48,474]	825
Miller v. Ives, 780 F. Supp. 49 (D. Me. 1991)	359
Miller v. Massachusetts Dep't of Pub. Health, [48,106]	331
Miller v. Spicer, 602 A.2d 65 (Del. 1991)	349
Miller v. St. Michaels Hous. Auth., No. Y-91-2412 (D. Md. Dec. 11, 1992) [47,069]	1493
Miller v. Towne Oaks E. Apartments, 797 F. Supp. 557 (E.D. Tex. 1992)	1399
Mills v. Sullivan, 804 F. Supp. 1048 (N.D. Ill. 1992)	1534
Minino v. Perales, 589 N.E.2d 385 (N.Y. 1992)	467
Minneapolis Pub. Hous. Auth. v. Jivens, No. UD-1920720559 (Minn. Dist. Ct. Hennepin County Sept. 9, 1992) [48,561]	1373
Minnesota v. Clausen, 491 N.W.2d 662 (Minn. Ct. App. 1992)	1527
Minnesota v. Senior Fin. Servs. [48,277]	673
Misclagno v. Secretary of HHS, 786 F. Supp. 1120 (E.D.N.Y. 1992)	456
Mississippi Office of the Governor, Div. of Medicaid v. Sullivan, 951 F.2d 80 (5th Cir. 1992)	227
Missouri <i>ex rel.</i> Bibbs v. Housing Auth. of St. Louis County, No. 620488 (Mo. Cir. Ct. St. Louis County Mar. 2, 1992) [48,534]	942
Missouri <i>ex rel.</i> Cal. v. Littlejohn, No. CV392-330DR (Mo. Cir. Ct. Marion County Sept. 18, 1992) [48,487]	931
Mitchell v. Crookston Welding Mach. Co., 492 N.W.2d 256 (Minn. Ct. App. 1992)	1536
Mohiuddin v. Alabama Dep't of Indus. Relations, 598 S. 2d 925 (Ala. Civ. App. 1992)	698
Molina v. INS, 981 F.2d 14 (1st Cir. 1992)	1630
Montalvo v. Montalvo, 592 No. 2d 904 (La. Ct. App. 1991)	223
Montgomery v. City Wide Constr. No. 88 CH 11494 (Ill. Cir. Ct. Cook County May 10, 1990) [48,174]	432
Montgomery v. Kipper [48,608]	1385

Morales v. Yeutter, 952 F.2d 954 (7th Cir. 1991)	230
Moore v. Crestwood Local Sch. Dist., 804 F. Supp. 960 (N.D. Ohio 1992)	1519
Moore v. Mabus, 976 F.2d 268 (5th Cir. 1992)	1400
Morey v. Highwood Assocs., No. 18 (Conn. Super. Ct. Litchfield County Jan. 28, 1992) [48,103]	324
Morrell v. Flaherty [47,088]	343
Morris v. American Nat'l Can Corp., 952 F.2d 200 (8th Cir. 1991)	225
Morrison v. United States Pipe & Foundry Co., 598 So. 2d 946 (Ala. Civ. App. 1992)	698
Morrow v. City of Steubenville, Ohio [48,387]	820
Mortillaro, <i>In re</i> (SSA Office of Hearings & App. Mar. 27, 1992) [48,076]	332
Motes v. Love, 415 S.E.2d 334 (Ga. Ct. App. 1992)	461
Mountain Clay v. Comm'n on Human Rights, 830 S.W.2d 395 (Ky. Ct. App. 1992)	841
Moyers, <i>In re</i> , 960 F.2d 748 (8th Cir. 1992)	574
Ms. B. v. Montgomery County Emergency Servs., Inc., 799 F. Supp. 534 (E.D. Pa. 1992)	1399
Muhammad v. United States Bureau of Prisons, 789 F. Supp. 449 (D.D.C. 1992)	695
Mujahid v. Sumner, 807 F. Supp. 1505 (D. Hawaii 1992)	1631
Mullins v. North Dakota Dep't of Human Servs., 483 N.W.2d 160 (N.D. 1992)	574
Munir v. Scott, 792 F. Supp. 1472 (E.D. Mich. 1992)	846
Muniz v. Sullivan, 780 F. Supp. 743 (D. Colo. 1992)	349
Munoz-Navarette v. Industrial Claim Appeals Office, 833 P.2d 827 (Colo. Ct. App. 1992)	975
Murphy v. Timberlane Regional Sch. Dist., 973 F.2d 13 (1st Cir. 1992)	1393
Murray, <i>In re</i> (SSA Office of Hearings & App. Jan. 4, 1993) [48,719]	1505
Mushero v. Ives, 949 F.2d 513 (1st Cir. 1991) [46,041]	213

N

N., <i>In re</i> (SSA Office of Hearings & App. July 20, 1992) [48,618]	1380
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N., S.R., <i>In re</i> , 481 N.W.2d 672 (Wis. Ct. App. 1992)	464
Naples v. Commissioner of Dep't of Employment & Training, 591 N.E.2d 203 (Mass. 1992)	576
Naranjo-Aguiler v. INS, No. S-91-1462 EKG/GGH (E.D. Cal. June 29, 1992) [48,241]	556
Narayan v. Iichert, 799 F. Supp. 1047 (N.D. Cal. 1992)	1398
National Ass'n of Radiation Survivors v. Derwinski, 778 F. Supp. 1096 (N.D. Cal. 1991); 782 F. Supp. 1392 (N.D. Cal. 1992)	239, 360
National Kidney Patients Ass'n v. Sullivan, 958 F.2d 1127 (D.C. Cir. 1992)	465
National Law Center on Homelessness & Poverty v. VA, 964 F.2d 1210 (D.C. Cir. 1992); 799 F. Supp. 148 (D.D.C. 1992) [48,182]	437, 1388
National Puerto Rican Coalition v. Alexander, [48,704]	1488
Native Village of Tyonek v. Puckett, 953 F.2d 1179 (9th Cir. 1992)	232
Navajo Nation v. New Mexico, 975 F.2d 741 (10th Cir. 1992)	1400
Navarro-Ayala v. Nunez, 968 F.2d 1421 (1st Cir. 1992)	963
Neal v. HUD, No. 92-1521 (E.D. Pa. May 29, 1992) [48,505]	940
Nebraska ex rel. J.R. v. Mendoza, 481 N.W.2d 165 (Neb. 1992)	460
Nebraska ex rel. Stenberg v. Krauss [48,269]	655
Nelson v. Industrial Claim Appeals Office of Colo., 826 P.2d 436 (Colo. Ct. App. 1992)	470
Nelson v. Sullivan, 966 F.2d 363 (8th Cir. 1992)	848
Nevers v. Commissioner, Me. Dep't of Human Servs., No. CV-92-21 (Me. Super. Ct. Kennebec County Sept. 28, 1992) [48,564]	1385
Newson v. Grunow, No. 3:73-7136 (M.D. Tenn. Oct. 15, 1992) [11,004]	1511
Newton v. Department of Health & Rehabilitative Servs., 598 So. 2d 1078 (Fla. Dist. Ct. App. 1992)	691
New York City Coalition to End Lead Poisoning v. Koch, (N.Y. Sup. Ct. App. Div. Mar. 4, 1991) [39,406]	199
New York City Health & Hosps. Corp. v. Perales, 954 F.2d 854 (2d Cir. 1992)	353

New York City Hous. Auth. v. Green, No. 17837/92 (New York City Civ. Ct. Sept. 17, 1992) [48,503]	943
Nicholas v. St. Luke Ctr. of Hyde Park, 800 F. Supp. 1564 (S.D. Ohio 1992)	1526
Nichols v. Raiston, 825 S.W.2d 347 (Mo. Ct. App. 1992)	462
Nielson v. Nielson, 826 P.2d 1065 (Utah Ct. App. 1991)	463
NME Properties, Inc. v. McCullough, 590 So. 2d 439 (Fla. Dist. Ct. App. 1991)	228
Nobelman v. American Sav. Bank [48,792]	1600
Noland v. Sullivan, 785 F. Supp. 179 (D.D.C. 1992) [46,246]	465
Nolley v. County of Erie, 802 F. Supp. 898 (W.D.N.Y. 1992)	1532
Norris v. Canino-Siegest, No. 91-10666-WD (D. Mass. Apr. 29, 1992) [48,126]	451
Novak v. Revere Local Sch. Dist., 583 N.E.2d 1358 (Ohio Ct. App. 1989)	225
Nungaray, <i>In re</i> (SSA Office of Hearings & App. July 28, 1992) [48,329]	676
Nunn v. Terry, No. 2:91-0260 (S.D. W. Va. Jan. 24, 1992) [48,406]	807

O

O. v. K., 604 N.E.2d 99 (N.Y. Ct. App. 1992)	1521
Oberti v. Board of Educ. of Borough of Clementon Sch. Dist., 789 F. Supp. 1322 (D.N.J. 1992); 801 F. Supp. 1392 (D.N.J. 1992)	689, 1523
Ocasio v. City of Lawrence, 788 F. Supp. 99 (D. Mass. 1992) [44,869]	572
Ochoa v. Harvey [48,327]	677
Odom v. Unemployment Appeals Comm'n, 586 So. 2d 504 (Fla. Dist. Ct. App. 1991)	238
O'Donnell Constr. Co. v. District of Columbia, 963 F.2d 420 (D.C. Cir. 1992)	689
Oglala Sioux Tribe v. Swenson [48,232]	558
O'Hare Midway Limousine Serv. v. Baker, 596 N.E.2d 795 (Ill. App. Ct. 1992)	975
Ohio Dep't of Human Servs. v. Sullivan, 789 F. Supp. 1395 (S.D. Ohio 1992) [46,733]	325, 930
Ohio ex rel. Athens County Dep't of Human Servs. v. Wolf, 603 N.E.2d 252 (Ohio Ct. App. 1991)	1522
Olszewska v. Ferro, 590 So. 2d 11 (Fla. Dist. Ct. App. 1991)	221

Oliphant v. Bradley, No. 91 C 3055 (N.D. Ill. Feb. 19, 1992) [46,914]	563
Oliva v. Sullivan, 958 F.2d 272 (9th Cir. 1992) . .	455
On-Line Fin. Servs. v. Dep't of Human Rights, 592 N.E.2d 509 (Ill. App. Ct. 1992)	690
Oregon v. Doe, 840 P.2d 727 (Or. Ct. App. 1992)	1529
Oregon v. Pieretti, 823 P.2d 426 (Or. Ct. App. 1991)	232
Orphey v. Secretary of HHS, 962 F.2d 384 (5th Cir. 1992)	696
Orr v. Sullivan, 796 F. Supp. 1368 (D. Or. 1992)	1403
Orris v. Sullivan, 974 F.2d 109 (9th Cir. 1992) [46,282]	827, 956
Ortiz v. Laws, No. 91-187 K (N.Y. Sup. Ct. App. Div. Jan. 29, 1992) [47,827]	179
Ortiz v. Milburn, No. 91-1423-Civ-T-17 (A) (M.D. Fla. May 8, 1992) [47,331]	437
Ottis v. Sullivan [48,306]	664
Oxford House, Inc. v. Township of Cherry Hill, 799 F. Supp. 450 (D.N.J. 1992)	1397

P

P., <i>In re</i> , 488 N.W.2d 133 (Wis. Ct. App. 1992) . .	966	Parker v. Carpenter, 978 F.2d 190 (5th Cir. 1992)	1531
P., <i>In re</i> , No. R92-03965-0000 (Ohio Unemployment Compensation Bd. of Review June 8, 1992) [48,377]	827	Parker v. Kemp [48,571]	1371
P., <i>In re</i> , No. 203002 (Ohio Dep't of Human Servs. Apr. 24, 1992) [48,372]	809	Parks v. Board of Review of W. Va. Dep't of Employment Sec., 425 S.E.2d 123 (W. Va. 1992) [48,786]	1619
P., <i>In re</i> (SSA Office of Hearings & App. May 28, 1992) [48,169]	448	Parks v. Gallant, No. 92-3021-F (D. Mass. Nov. 6, 1992) [48,652]	1365
P., D.S., <i>In re</i> , 480 N.W.2d 234 (Wis. 1992) . . .	356	Parnell v. River Bend Carriers, Inc., 484 N.W.2d 442 (Minn. Ct. App. 1992)	698
P. v. Sobol, No. 79 Civ. 270 (E.D.N.Y. Oct. 1, 1992) [25,954]	933	Payne v. Sullivan, 977 F.2d 900 (4th Cir. 1992) [47,153]	1352
Pabst v. Industrial Claim Appeals Office, 833 P.2d 64 (Colo. Ct. App. 1992)	975	Patchette v. Nix, 952 F.2d 158 (8th Cir. 1991) . .	234
Palley v. Johnson, No. 91-49727-CA-21 (Fla. Cir. Ct. Dade County June 25, 1992) [48,636]	1357	Pater v. Pater, 588 N.E.2d 794 (Ohio 1992) . . .	460
Palmer v. Kentucky Unemployment Ins. Comm'n [48,128]	449, 1381	Patterson v. Shumate, 60 U.S.L.W. 4550 (U.S. June 15, 1992)	568
Palmer v. Sullivan, 799 F. Supp. 400 (D. Vt. 1992); No. 2:91-CV-12 (D. Vt. Nov. 9, 1992) [48,507]	951, 1504	Patton v. McHone, 822 S.W.2d 608 (Tenn. Ct. App. 1991)	222
Pando, <i>In re</i> (SSA Office of Hearings & App. Aug. 19, 1992) [48,407]	824	Peabody Coal Co. v. Director, Office of Workers' Compensation Programs, 972 F.2d 178 (7th Cir. 1992)	1395
Paris v. HUD, 795 F. Supp. 513 (D.R.I. 1992) [42,539]	1390	Pearson, <i>In re</i> [48,668]	1491
		Pearson v. Kelly [48,607]	1372
		Pendleton v. Breneman, No. 91 CvD 9999 HBM (N.C. Dist. Ct. Meckleburg County Sept. 2, 1992) [48,488]	948
		Peone v. Adult & Fam. Servs. Div. [48,424]	1384
		People Helpers Found., Inc. v. City of Richmond, 781 F. Supp. 725 (E.D. Va. 1992); 789 F. Supp. 1132 (E.D. Va. 1992)	229, 692
		Peyton v. Reynolds Assocs., 955 F.2d 247 (4th Cir. 1992) [47,920]	196, 354
		Perales v. Thornburgh, 967 F.2d 798 (2d Cir. 1992)	844
		Partee v. Metropolitan Sch. Dist. of Washington Township, 954 F.2d 454 (7th Cir. 1992)	352
		Pearson, <i>In re</i> [48,764]	1613
		Pearson v. Hope Lumber & Supply Co., Inc., 820 P.2d 443 (Okla. 1991)	226
		Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa 1992)	1632
		Peed v. Sullivan, 778 F. Supp. 1241 (E.D.N.Y. 1991)	236
		Pegg v. Sullivan, 788 F. Supp. 863 (W.D. Pa. 1991)	575
		Pereira v. Kozlowski, 805 F. Supp. 361 (E.D. Va. 1992)	1526

Perez v. Secretary of HHS, 958 F.2d 445 (1st Cir. 1991)	469
Perroton, <i>in re</i> , 958 F.2d 889 (9th Cir. 1992) . . .	457
Pet, <i>in re</i> (Wis. Dep't of Health & Social Servs. Office of Admin. Hearings May 8, 1992) [48,611]	1381
Peters v. Collection Technology, No. 90-6197-JO (D. Or. Dec. 5, 1991) [46,769] . .	183
Peters v. Hennenhoefter, 964 F.2d 166 (2d Cir. 1992)	685
Peters v. LaFaber [48,149]	441
Peterson v. Smith, 415 S.E.2d 431 (S.C. Ct. App. 1992)	463
Petrelli v. City of Mount Vernon, 796 F. Supp. 748 (S.D.N.Y. 1992)	1394
Petrie v. Sullivan, 800 F. Supp. 632 (N.D. Ill. 1992)	1518
Pettyjohn v. Sullivan, 784 F. Supp. 792 (D. Colo. 1992)	359
Peura v. Mala, 977 F.2d 484 (9th Cir. 1992) [47,286]	1382
Phillips v. Amana Collection Servs., No. 89-CV-1152S (W.D.N.Y. Aug. 25, 1992) [48,513]	927
Phillips v. Manor Healthcare Corp. [48,179] . . .	435
Pilarczyk v. Sullivan, 803 F. Supp. 1317 (N.D. Ill. 1992)	1534
Pimental-Romero v. INS, 952 F.2d 564 (1st Cir. 1991)	230
Pinkney v. Housing Auth. of Sanford, Fla., (HUD Sept. 15, 1992) [48,637]	1375
Pirozzi v. Penske Olds-Cadillac-GMC, Inc., 605 A.2d 373 (Pa. Super. Ct. 1992)	458
Pletka v. Nix, 957 F.2d 1480 (8th Cir. 1992) . . .	469
Plummer, <i>in re</i> , 608 A.2d 741 (D.C. Cir. 1992) . .	845
Plymouth Hous. Corp. v. Fields, No. 91-124762 (Mich. Cir. Ct. Wayne County June 4, 1992) [48,540]	946
Podolsky v. National Medical Enters. [48,003] . .	195
Polkabla v. Commission for the Blind & Visually Handicapped, No. 47011/90 (N.Y. Sup. Ct. App. Div. May 22, 1992) [48,172] . .	433
Poole v. Monmouth College, 603 A.2d 118 (N.J. Super. Ct. 1991)	465
Portage Metro. Hous. Auth. v. Brown, 586 N.E.2d 168 (Ohio Ct. App. 1990)	229
Porter v. Mid-Penn Consumer Discount Co., 961 F.2d 1066 (3d Cir. 1992) [46,907]	320

Porter v. Sam J. Stone B'nai B'rith Covenant House of Peoria, No. 91-2474 (C.D. Ill. Feb. 28, 1992) [48,164]	438
Porter v. Sullivan, 952 F.2d 400 (5th Cir. 1992) [46,736]	949
Pottinger v. Miami, Fla., 810 F. Supp. 1551 (S.D. Fla. 1992) [48,663]	1370
Potts v. Potts, 829 P.2d 81 (Okla. Ct. App. 1992)	570
Poynter v. Poynter, 590 N.E.2d 150 (Ind. Ct. App. 1992)	461
Pratt v. Sullivan, 956 F.2d 830 (8th Cir. 1992) . .	359
Preston v. Gutierrez, No. 90-6029-CV-SJ-6-P (W.D. Mo. Oct. 21, 1991) [48,201]	558
Price v. INS, 962 F.2d 836 (9th Cir. 1992)	692
Price v. Sullivan, 790 F. Supp. 854 (E.D. Ark. 1992)	697
Prince v. Tooele County Hous. Auth., 834 P.2d 602 (Utah Ct. App. 1992) [43,455]	544
Proudfit v. O'Neal, 484 N.W.2d 746 (Mich. Ct. App. 1992) [48,077]	326
Prows v. Federal Bureau of Prisons, 981 F.2d 466 (10th Cir. 1992)	1631
Proyecto San Pablo v. INS, 784 F. Supp. 738 (D. Ariz. 1991)	355
Przylepa v. Przylepa, 603 N.E.2d 1083 (Ohio Ct. App. 1991)	1522
Puglia v. Puglia, 600 So. 2d 484 (Fla. Dist. Ct. App. 1992)	837
Pugliese v. Sullivan, No. 90 Civ. 2537 (GLG) (S.D.N.Y. Jan. 13, 1992) [48,038]	341
Purnell v. Lord, 952 F.2d 679 (2d Cir. 1992) . . .	233

Q

Qi Shu Chen v. Ong, No. 678606-1 (Cal. Super. Ct. Alameda County Aug. 14, 1992) [46,589]	941
Quattlebaum v. Dixon, No. 8207-91 (D.C. Super. Ct. Apr. 14, 1992) [46,979]	344
Queen City Home Health Care Co. v. Sullivan, 978 F.2d 236 (6th Cir. 1992)	1525
Quijano v. Secretary of HHS, 791 F. Supp. 39 (D.P.R. 1992)	697
Quinn, Gent, Buseck & Leemhuis, Inc., v. Unemployment Compensation Bd. of Review, 606 A.2d 1300 (Pa. Commw. Ct. 1992)	698

R

R., <i>In re</i> , No. B-91-05-A-1341 (Pa. Unemployment Compensation Bd. of Review July 10, 1992) [48,251]	678
R., R., <i>In re</i> , 587 N.E.2d 1341 (Ind. Ct. App. 1992)	355
R. v. B., No. C-91-4 (Wyo. Sup. Ct. Apr. 22, 1992) [48,069]	325
R. v. Board of Educ. 794 F. Supp. 467 (D. Conn. 1992)	967
R. v. Clinton, No. LR-C-91-415 (E.D. Ark. May 4, 1992) [48,193]	443
Rabideau v. Management Adjustment Bureau, 805 F. Supp. 1086 (W.D.N.Y. 1992) [48,352]	803, 1626
Rafeedie v. INS, 795 F. Supp. 13 (D.D.C. 1992)	970
Ralabate v. Bane [48,758]	1609
Rambousek v. North Dakota Dep't of Human Servs. [48,486]	937
Ramirez v. Perales, No. 91-17133 (N.Y. Sup. Ct. Suffolk County May 12, 1992) [48,211]	566
Randel v. Donovan, No.92-0414-S-HLR (D. Idaho Jan. 4, 1992) [48,713]	1509
Ravindran v. INS, 976 F.2d 754 (1st Cir. 1992)	1398
Rawlins v. King, 793 F. Supp. 1058 (M.D. Ala. 1992)	972
Rawston v. Commissioner of Pub. Welfare, 593 N.E.2d 216 (Mass. 1992)	700
Ray v. Sullivan, 791 F. Supp. 838 (D. Kan. 1992)	833
Reed, <i>In re</i> , No. 91-0005 (Cal. Dep't of Health Servs. Los Angeles County Aug. 27, 1992) [48,654]	1367
Reed v. Secretary of HHS, 804 F. Supp. 914 (E.D. Mich. 1992)	1535
Reeves, Adoption of, <i>In re</i> , 831 S.W.2d 607 (Ark. 1992)	836
Renaud v. Commissioner, Me. Dep't of Human Servs., No. CV-91-313 (Me. Super. Ct. Kennebec County Jan. 8, 1992) [48,568]	1359
Resident Council of Allen Parkway Village v. HUD, 980 F.2d 1043 (5th Cir. 1993) [44,276]	1629
Reyes v. Secretary of HHS, 807 F. Supp. 293 (S.D.N.Y. 1992)	1625
Reynard, <i>In re</i> , 616 A.2d 1262 (D.C. Ct. App. 1992)	1630

Reynolds, <i>In re</i> , No. 9214061 (Ga. Dep't of Human Resources Aug. 28, 1992) [48,469]	811
Reynolds v. D & N Bank, 792 F. Supp. 1035 (E.D. Mich. 1992) [48,228]	546, 836
Rhorne v. Sullivan, 963 F.2d 691 (5th Cir. 1992)	685
Rice v. Perales, No. 14215/91 (N.Y. Sup. Ct. Monroe County June 22, 1992) [48,346]	831
Riceland Foods v. Director of Labor, 832 S.W.2d 295 (Ark. Ct. App. 1992)	849
Richard v. Sullivan, 955 F.2d 354 (5th Cir. 1992)	347
Richardson v. Mississippi Employment Sec. Comm'n, 593 So. 2d 31 (Miss. 1992)	237
Richardson v. Perales [48,641]	1383
Richardson v. Snider [47,826]	193
Richardson v. Weston [48,331]	665
Richmond Memorial Hosp. v. Adkins [48,545]	937
Richmond Tenants Org. v. Kemp, 956 F.2d 1300 (4th Cir. 1992) [45,826]	196, 543
Riddick v. Sutton, 794 F. Supp. 169 (E.D.N.C. 1992)	973
Rivas v. Schmidl Farms, No. CIV-S-91-761 DFL/JFM (E.D. Cal. May 18, 1992) [46,859]	446
Rivera v. Board of Review, No. A-130 (N.J. Sup. Ct. June 1, 1992); 606 A.2d 1087 (N.J. 1992) [48,196]	447, 697
Rivera v. Reading Hous. Auth., No. 91-CV-7899 (E.D. Pa. Jan. 25, 1993) [48,789]	1615
Rivera v. Saffold, 606 So. 2d 1249 (Fla. Dist. Ct. App. 1992) [48,712]	1503, 1530
Rivera Sanchez v. Secretary of HHS, 786 F. Supp. 147 (D.P.R. 1992)	456
Roberts v. Carraway Methodist Medical Center, 591 So. 2d 870 (Ala. Civ. App. 1991)	222
Roberts v. Perales, 595 N.E.2d 850 (N.Y. 1992) [47,151]	850
Roberston v. Cass County Social Servs., 492 N.W.2d 599 (N.D. 1992)	1629
Roberts v. Hollis, No. 1-90-cv-2091-RCF (N.D. Ga. Sept. 13, 1991) [46,784]	320, 1353
Robertson v. Jackson, 972 F.2d 529 (4th Cir. 1992) [46,604]	660
Robertson v. Sullivan, 979 F.2d 623 (8th Cir. 1992)	1833
Robinson, <i>In re</i> , 601 N.E.2d 712 (Ill. 1992)	1529

Robinson v. City of Seattle, 830 P.2d 318 (Wash. 1992)	693
Robinson v. Thayer [48,741]	1506
Rodarte v. Cox, 828 S.W.2d 65 (Tex. App. Ct. 1991)	570
Rodgers v. Brawley [48,066]	337
Rodriguez v. Coughlin, 795 F. Supp. 609 (W.D.N.Y. 1992)	1401
Rodriguez v. Cuomo, 953 F.2d 33 (2d Cir. 1992)	228
Rodriguez v. Cziment, No. HP 1317/90 (New York City Civ. Ct. Kings County Mar. 11, 1992) [48,011]	206
Rodriguez v. Gattuso, 795 F. Supp. 860 (N.D. Ill. 1992)	1397
Rodriguez v. Los Angeles Unified Sch. Dist., No. C 611 358 (Cal. Super. Ct. Los Angeles County Aug. 26, 1992) [42,751] . . .	933
Rodriguez v. Rodriguez, 600 A.2d 589 (Pa. Super. Ct. 1991)	220
Rodriguez v. Secretary of HHS, 794 F. Supp. 58 (D.P.R. 1992)	962
Roe v. Sugar River Mills Assocs. [48,483]	939
Rogers v. Bucks County Domestic Relations, 959 F.2d 1268 (3d Cir. 1992)	459
Rogers v. Sullivan, 795 F. Supp. 761 (E.D.N.C. 1992)	1403
Rogers v. Windmill Pointe Village Club Ass'n, 967 F.2d 525 (11th Cir. 1992)	843
Rollins v. Sullivan, 784 F. Supp. 253 (E.D. Pa. 1992)	348
Roloff v. Sullivan, 975 F.2d 333 (7th Cir. 1992) . .	1395
Rosa v. Gaynor, 784 F. Supp. 1 (D. Conn. 1989) [44,830]	350
Rosario v. INS, 962 F.2d 220 (2d Cir. 1992) . . .	692
Rosario v. Livaditis, 963 F.2d 1013 (7th Cir. 1992) [44,042]	689
Rose v. Kettle Moraine Correctional Inst. Officials, 778 F. Supp. 1009 (E.D. Wis. 1991)	235
Rose City Oil Co. v. Missouri Comm'n on Human Rights, 832 S.W.2d 314 (Mo. Ct. App. 1992)	841
Rosen v. New Jersey Div. of Developmental Disabilities, 607 A.2d 1030 (N.J. Super. Ct. App. Div. 1992)	687
Rosetti v. Sullivan, 788 F. Supp. 1380 (E.D. Pa. 1992) [46,812]	697

Ross v. Arizona Dep't of Economic Sec., 829 P.2d 318 (Ariz. Ct. App. 1991)	576
Ross v. Metropolitan Dade County, No. 91-2942-CIV-ATKINS (S.D. Fla. June 1, 1992) [48,192]	428
Rossi v. Gordon (<i>In re</i> Gordon), No. 91-10229 (Bankr. D.R.I. June 15, 1992) [48,603] . . .	1354
Rothwell v. Wetterau, Inc. 820 S.W.2d 557 (Mo. Ct. App. 1991)	227
Rowe v. Sullivan, 967 F.2d 186 (5th Cir. 1992) . .	840
Rowland v. California Men's Colony, 61 U.S.L.W. 4060 (U.S. Jan. 12, 1993)	1625
Roy v. City of Everett, 823 P.2d 1084 (Wash. 1992)	223
Rubenstein v. Benedictine Hosp., 790 F. Supp. 396 (N.D.N.Y. 1992) [48,188] . .	445, 693
Ruperto Torres v. Secretary of HHS, 791 F. Supp. 342 (D.P.R. 1992)	849
Rudy, Guardianship of, <i>In re</i> , 604 N.E.2d 736 (Ohio 1992)	1630
Ruiz v. Coyle, No. S-88-1272 MLS (E.D. Cal. Jan. 21, 1993) [43,863]	1599
Russell v. Review Bd. of Ind. Dep't of Employment & Training Servs., 586 N.E.2d 942 (Ind. Ct. App. 1992) [47,037] . .	470
Russell v. Village of Trimble [48,388]	821
Rutherford v. Rutherford, 414 S.E.2d 157 (S.C. 1992) [47,862]	185
Ryan v. Sullivan, 972 F.2d 721 (6th Cir. 1992) . .	1404
Ryder v. Sullivan, 808 F. Supp. 1365 (D. Colo. 1992)	1534

S

S., <i>In re</i> , No. C3-92-290 (Minn. Ct. App. Sept. 9, 1992) [48,616]	1378
S., <i>In re</i> (SSA Office of Hearings & App. Dec. 21, 1992) [48,763]	1612
S., <i>In re</i> (SSA Aug. 14, 1992) [48,403]	823
S., <i>In re</i> , 829 P.2d 791 (Wash. Ct. App. 1992)	570
S., Adoption of, <i>In re</i> , 823 P.2d 1216 (Cal. 1992)	222
S., Estate of, <i>In re</i> (SSA Office of Hearings & App. May 21, 1992) [48,334]	666
S., N., <i>In re</i> , 821 P.2d 931 (Colo. Ct. App. 1991)	223
S., R.A., <i>In re</i> , 826 S.W.2d 397 (Mo. Ct. App. 1992)	462

S., R.D., <i>In re</i> , 600 So. 2d 308 (Ala. Civ. App. 1992)	844	Saylor v. Parker Seal Co., 975 F.2d 252 (6th Cir. 1992)	1394
S., T.I., <i>In re</i> , 586 N.E.2d 690 (Ill. Ct. App. 1991)	468	Scanlon v. Sullivan, 974 F.2d 107 (9th Cir. 1992)	1389
S. v. Board of Educ., 601 N.E.2d 1264 (Ill. Ct. App. 1992)	1523	Schestler v. Schestler, 486 N.W.2d 509 (N.D. 1992)	837
S. v. K. [48,489]	930	Schirmacher, <i>In re</i> , No. V2696142A (Mich. Dep't of Social Servs. Feb. 1, 1993) [48,793]	1624
S. v. McLawhorn, No. 3:90-3062-17 (D.S.C. Apr. 24, 1992) [47,669]	336	Schisler v. Sullivan, No. 80-CV-572E (W.D.N.Y. July 8, 1992) [32,771]	674, 1380
S. v. North Dakota Dep't of Human Servs. [45,391]	1623	Schoolcraft v. Sullivan, 971 F.2d 81 (8th Cir. 1992) [45,479]	654
Sabina v. American Gen. Life Ins. Co., No. 92-1499-CIV-ATKINS (S. D. Fla. July 1, 1992) [48,245]	664	Schrantz <i>ex rel.</i> Lenoir, <i>In re</i> (HHS Office Of Hearings & App. Jan. 31, 1992) [47,828]	209
Sajdyk v. Secretary of HHS, 778 F. Supp. 1000 (N.D. Ind. 1991)	236	Schroder v. Sullivan, 796 F. Supp. 1265 (W.D. Mo. 1992)	1403
Salazar v. Edwards, No. 92 CH 5703 (Ill. Cir. Ct. Cook County June 15, 1992) [48,264]	658	Scivally v. Sullivan, 966 F.2d 1070 (7th Cir. 1992)	847
Salazar v. Maradeaga, 12 Cal. Rptr. 2d 676 (Super. Ct. 1992) [48,501]	946	Scott v. Grunow, No. 01A01-9206-CH-00228 (Tenn. Ct. App. Jan. 27, 1993) [48,801]	1623
Salinas v. Rodriguez, 963 F.2d 791 (5th Cir. 1992); 978 F.2d 187 (5th Cir. 1992)	695, 1530	Scott v. Jones, 964 F.2d 314 (4th Cir. 1992) [45,932]	546
Salvador v. Sullivan, 786 F. Supp. 830 (N.D. Cal. 1992)	455	Scott v. Kemp [48,662]	1369
Samuels v. American Motors Sales Corp., 969 F.2d 573 (7th Cir. 1992)	961	Scott v. O'Grady, 975 F.2d 366 (7th Cir. 1992) [46,421]	1391
Sanchez v. Lagoudakis, 486 N.W.2d 657 (Mich. 1992)	965	Scott v. Sullivan, No. B-88-330 (TFGD) (D. Conn. Mar. 18, 1992) [48,086]	329
Sanders v. Statewide Custom Remodeling [48,524]	927	Scott v. United States, 795 F. Supp. 1028 (D. Haw. 1992)	1390
Sanders v. Weston [48,638]	1366	Seabolt v. Ashley, No. 91-MISC-495 (W. Va. Cir. Ct. Kanawha County Mar. 20, 1992) [48,034]	186
San Francisco Coalition on Homelessness v. City & County of San Francisco, No. A052918 (Cal. Ct. App. Feb. 20, 1992) [46,876]	335	Sears, Roebuck & Co. v. Harris [48,088]	321
San Mateo County Coastal Landowner's Ass'n v. County of San Mateo [47,978]	207	Secrist v. Developmental Servs. of Tulsa, 819 P.2d 718 (Okla. Ct. App. 1991)	227
Sansano v. Sullivan, 788 F. Supp. 218 (D.N.J. 1992)	568	Sedelmeier, Guardianship of, <i>In re</i> , 491 N.W.2d 86 (S.D. 1992)	1528
Santiago v. Sullivan, 783 F. Supp. 223 (E.D. Pa. 1992)	348	Sedo, <i>In re</i> , No. ABR205935 (Ill. Dep't of Employment Sec. Bd. of Review Oct. 30, 1992) [48,709]	1507
Sather v. Adult & Family Servs. Div., 822 P.2d 738 (Or. Ct. App. 1991)	228	Sellers v. Bureau of Prisons, 959 F.2d 307 (D.C. Cir. 1992)	469
Savona, <i>In re</i> (SSA Office of Hearings & App. May 23, 1992) [48,239]	552	Seizler v. Blue Cross/Blue Shield of Minn., No. 3-91-187 (D. Minn. Apr. 2, 1992) [48,068]	330
Saxon v. Department of Social Servs., 479 N.W.2d 361 (Mich. Ct. App. 1991) [47,103]	239	Seniors Civil Liberties Ass'n v. Kemp, 965 F.2d 1030 (11th Cir. 1992) [47,228]	843
Sayers v. Beltrami County, 481 N.W.2d 547 (Minn. 1992)	468	Service First Realty v. Sanon, No. 92-2795 CC 05 (Fla. County Ct. Dade County Apr. 8, 1992) [48,157]	445

Shango v. Jurich, 965 F.2d 289 (7th Cir. 1992) [22,020]	846	Skinner v. Cuyahoga Metro. Hous. Auth., No. 1:91CV 0391 (N.D. Ohio June 5, 1992) [48,229]	555
Shapiro & Meinhold v. Zartman, 823 P.2d 120 (Colo. 1992) [46,773]	184	Small v. Sullivan, No. 89-3700 (S.D. Ill. Sept. 21, 1992) [46,451]	950
Sharp v. Employment Appeal Bd., 479 N.W.2d 280 (Iowa 1991)	236	Smith v. Babcock [44,871]	828
Shaw v. Hansa Mold Tool & Die, Inc. 592 So. 2d 1228 (Fla. Dist. Ct. App. 1992)	238	Smith v. Concannon, 951 F.2d 178 (9th Cir. 1991) [45,037]	228
Shedrick v. Department of Social Welfare, 613 A.2d 692 (Vt. 1992) [45,843]	661	Smith v. Keycorp Mortgage Inc., [48,609]	1354
Shepard v. Tri-State D.C.P., Inc., No. R-89-1635 (D. Md. Mar. 6, 1992) [48,013]	176	Smith v. Masterson Personnel, Inc., 483 N.W.2d 111 (Minn. Ct. App. 1992)	576
Shields v. Sullivan, 801 F. Supp. 151 (N.D. Ill. 1992)	1534	Smith v. Matthews, 793 F. Supp. 998 (D. Kan. 1992)	973
Shiner v. Sullivan, 793 F. Supp. 1257 (D. Vt. 1991)	974	Smith v. Steen, 833 S.W.2d 178 (Tex. Ct. App. 1992)	966
Shockley v. Hoechst Celanese Corp., 793 F. Supp. 670 (D.S.C. 1992)	968	Smith v. Washington Heights Apartments, Ltd., 794 F. Supp. 1141 (S.D. Fla. 1992) [46,482]	969
Shorter v. Alexander, No. 1:92-cv-1021-RLV (N. D. Ga. Dec. 8, 1992) [47,950]	1606	Snyder v. Wisconsin Dep't of Health & Social Servs., No. 91 CV 3118 (Wis. Cir. Ct. Dane County Mar. 3, 1992) [48,184]	436
Shortridge v. Iowa, 478 N.W.2d 613 (Iowa 1991)	235	Snyder v. Zanesville Metro. Hous. Auth. [48,369]	818
Shuff v. Cedar Coal Co., 967 F.2d 977 (4th Cir. 1992)	842	Soldal v. Cook County, Illinois, 61 U.S.L.W. 4019 (U.S. Dec. 8, 1992)	1390
Sieck v. Oak Park-River Forest High Sch., 807 F. Supp. 73 (N.D. Ill. 1992)	1628	Soler v. G & U, Inc. 801 F. Supp. 1056 (S.D.N.Y. 1992) [29,114]	1519
Sieversten v. Employment Appeal Bd., 483 N.W.2d 818 (Iowa 1992)	575	South Fla. I v. Perez, No. 92-10197 CC 05 (Fla. County Ct. Dade County Jan. 27, 1992) [48,771]	1600
Siler v. Management Adjustment Bureau, No. CIV-91-65E (W.D.N.Y. Feb. 18, 1992) [47,860]	183	Southside Welfare Rights Org. v. Stangler, No. 90-4271-CV-C-66BA (W.D. Mo. Jan. 25, 1993) [46,342]	1608
Silvering v. Vito, 419 S.E.2d 360 (N.C. Ct. App. 1992)	965	Spangler v. Spangler, 831 S.W.2d 256 (Mo. Ct. App. 1992)	838
Simmons v. Pilley [48,208]	551	Sparling v. Sullivan, 785 F. Supp. 312 (N.D.N.Y. 1992)	456
Simpson v. Greater Gadsden Hous. Auth., 606 So. 2d 1148 (Ala. Civ. App. 1992)	1528	Spencer v. D & B Invs., No. CX-91-1586 (Minn. Ct. App. Mar. 31, 1992) [48,082]	337
Sims v. Kemp, 781 F. Supp. 1264 (N.D. Ill. 1991) [46,372]	229	Spencer v. Unemployment Compensation Bd. of Review, 602 A.2d 484 (Pa. Commw. Ct. 1992)	360
Sindel v. EBCO Mfg. Co., 594 N.E.2d 77 (Ohio Ct. App. 1991)	698	Spillane v. Sullivan [47,281]	935
Singleton v. Waties, 616 A.2d 644 (Pa. Super. Ct. 1992)	1627	Sprynczynatyk v. Celley, 486 N.W.2d 230 (N.D. 1992)	976
Sinthesomphone, Estate of v. City of Milwaukee, 785 F. Supp. 1343 (E.D. Wis. 1992)	457	Spurlock v. Sullivan, 783 F. Supp. 474 (N.D. Cal. 1992)	347
Sirkin v. Phillips Colleges, Inc., 779 F. Supp. 751 (D.N.J. 1991)	228	St. Amour v. Vermont Dep't of Social Welfare, 605 A.2d 1340 (Vt. 1992) [48,337]	572, 661
Skillman v. Browne, 589 N.E.2d 407 (Ohio Ct. App. 1990)	467		

Stahl v. Wittman, 603 A.2d 583 (Pa. Super. Ct. 1992)	463
Standard Fed. Sav. Bank v. Tate [48,629]	1357
Stansberry v. Thorp Credit, Inc., No. CL 73-46821 (Iowa Dist. Ct. Polk County Mar. 30, 1992) [48,091]	322
State v. Messer, 597 N.E.2d 568 (Ohio Ct. C.P. 1992)	966
State v. Shabaiash, 485 N.W.2d 724 (Minn. Ct. App. 1992)	833
State ex rel. Cacek v. Cacek, 484 N.W.2d 592 (Iowa 1992)	688
Stathis v. Sullivan, 964 F.2d 850 (8th Cir. 1992)	696
Stein v. Sullivan, 966 F.2d 317 (7th Cir. 1992)	846
Stearns, <i>In re</i> , No. FS64983 (N.Y. Dep't of Social Servs. Feb. 11, 1992) [47,824]	191
Stebbins v. Allied Account Servs., No. 3:91CV00127 (PCD) (D. Conn. June 23, 1992) [46,761]	1603
Steffen v. Mitchell, No. C3-92-239 (Minn. Ct. App. June 2, 1992) [47,194]	566
Steifoff v. Steifoff, 833 S.W.2d 94 (Tenn. Ct. App. 1992)	965
Steirer v. Bethlehem Area Sch. Dist., 789 F. Supp. 1337 (E.D. Pa. 1992)	689
Stephoe v. Saving of Am., 800 F. Supp. 1542 (N.D. Ohio 1992)	1527
Sterling v. United States, 798 F. Supp. 47 (D.D.C. 1992)	1401
Stewart v. Secretary of HHS, 957 F.2d 581 (8th Cir. 1992)	359
Stewart B. McKinney Found. v. Town Plan & Zoning Comm'n of Fairfield, Conn., 790 F. Supp. 1197 (D. Conn. 1992); No. B 90-115 (EBB) (D. Conn. June 1, 1992) [48,093]	323, 547
Stevens v. Department of Social Welfare, 620 A.2d 737 (Vt. 1992) [48,788]	1611
Stevens v. Jackson, 800 F. Supp. 344 (W.D. Va. 1992)	1525
Stewart v. Everett, 804 F. Supp. 1494 (M.D. Fla. 1992)	1530
Stieberger v. Sullivan [39,839]	560
Stigall v. Heritage Fin. Servs. [48,756]	1605
Stirling v. Adkins [48,634]	1358
St. Germain v. PROMAC, Inc., No. 92-4134 (R.I. Super. Ct. Providence & Bristol Counties Sept. 24, 1992) [48,519]	943

Stojanovski v. Strobl & Moanoogian, P.C., 783 F. Supp. 319 (E.D. Mich. 1992)	350
Stone v. City and County of San Francisco, 968 F.2d 850 (9th Cir. 1992)	846
Stone v. Illinois Dep't of Employment Sec. Bd. of Review, 602 N.E.2d 808 (Ill. 1992)	1535
Story v. Green, 978 F.2d 60 (2d Cir. 1992)	1537
Story v. Morgan, 786 F. Supp. 523 (W.D. Pa. 1992)	469
Stout v. International Business Mach. Corp., 798 F. Supp. 998 (S.D.N.Y. 1992)	1524
Stowell v. Ives, No. 92-66-P-C (D. Me. Mar. 16, 1992); 976 F.2d 65 (1st Cir. 1992) [48,102]	342, 827, 1404
Strachan v. Perales, (N.Y. Sup. Ct. App. Div. Feb. 3, 1992) [47,864]	194
Straube v. Florida Union Free Sch. Dist., 778 F. Supp. 774 (S.D.N.Y. 1991); 801 F. Supp. 1164 (S.D.N.Y. 1992)	225, 1523
Strott v. Derwinski, 964 F.2d 1124 (D.C. Cir. 1992)	699
Stubbs v. Weathersby, 833 P.2d 1297 (Or. Ct. App. 1992)	965
Stump v. Miller, No. 2:91-0166 (S.D. W. Va. Dec. 30, 1991) [47,777]	193
Sturgeon, <i>In re</i> , No. 91-ABR-011345 (Ill. Dep't of Employment Sec. Bd. of Review Apr. 10, 1992) [48,067]	342
Suburban Furniture Galleries, <i>In re</i> [48,181]	429
Sullivan v. Sullivan, 958 F.2d 574 (4th Cir. 1992)	455
Sullivan v. Syracuse Hous. Auth., 962 F.2d 1101 (2d Cir. 1992)	685
Supan v. Medical Bureau of Economics, Inc., 785 F. Supp. 304 (D. Conn. 1991)	457
Sussman v. Salem, Saxon & Nielsen, P.A., 792 F. Supp. 1278 (M.D. Fla. 1992)	840
Suter v. M., 112 S. Ct. 1360 (1992) [48,036]	201
Sutton v. Law Offices of Alexander L. Lawrence, No. 90-369-SLR (D. Del. June 17, 1992) [48,227]	546
Sweeney v. Bane [48,219]	552, 813, 1489
Swenson v. Swenson, 490 N.W.2d 668 (Minn. Ct. App. 1992)	1521
Swinney v. Mosher, 830 S.W.2d 187 (Tex. Ct. App. 1992)	689
Sykes v. Sullivan, 779 F. Supp. 29 (E.D. Pa. 1991)	220

Syndex Corp. v. Dean, 820 S.W.2d 869 (Tex. Ct. App. 1991)	227
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T

T., <i>In re</i> , No. R1-3851 (Nev. Employment Sec. Dep't Office of Appeals Mar. 11, 1992) [48,071]	342
T. v. Housing Auth. of Borough of Princeton, No. 91-4146 (GEB) (D.N.J. Dec. 14, 1992) [47,114]	1614
Tackett v. Cowherd, No. 90-CI-346 (Ky. Cir. Ct. Letcher County Oct. 16, 1992) [48,659]	1363
Tallman v. Milton, 482 N.W.2d 187 (Mich. Ct. App. 1992)	462
Tanberg v. Weld County Sheriff, 787 F. Supp. 970 (D. Colo. 1992)	572
Tapper v. Washington Employment Sec. Dep't, 832 P.2d 136 (Wash. Ct. App. 1992)	850
Tataranowicz v. Sullivan, 959 F.2d 268 (D.C. Cir. 1992) [46,294]	192
Tate v. Browning-Ferris, Inc., 833 P.2d 1218 (Okla. 1992)	967
Tate v. Northeast Career Sch., No. 91-1750-JNG (Bankr. E.D. Mass. Mar. 16, 1992) [48,238]	544
Taylor v. DOL, 967 F.2d 961 (4th Cir. 1992)	842
Taylor v. Foltz, 803 F. Supp. 1261 (E.D. Mich. 1992)	1531
Taylor v. Freeland & Kronz, 112 S. Ct. 1644 (1992)	349
Taylor v. Miller, No. 92-1420-AZ-C (Mich. Cir. Ct. Midland County Dec. 14, 1992) [48,477]	830, 1514
Taylor v. Ohio Unemployment Compensation Bd. of Rev., 601 N.E.2d 670 (Ohio Ct. App. 1991)	1537
Taylor v. Sullivan, 951 F.2d 878 (8th Cir. 1991)	236
T.B. Wood's Sons v. Unemployment Compensation Bd., 815 A.2d 883 (Pa. Commw. Ct. 1992)	1537
Teahan v. Metro-North Commuter R.R. Co., 951 F.2d 511 (2d Cir. 1991)	225
Teemogonwuno v. Todd, Bremer & Lawson, Inc., No. 1:89-CV-2871-JTC (N.D. Ga. Jan. 27, 1992) [45,946]	320
Teimer, <i>In re</i> , No. 91-0006 (Cal. Dep't of Health Servs. Los Angeles County Sept. 22, 1992) [48,653]	1367
Tellurian U.C.A.N. v. Goodrich [45,192]	338

Tennessee <i>ex rel.</i> Dep't of Human Servs. v. Basler, No. IV-D 1789970-01 (Tenn. Juvenile Ct. Morgan County Mar. 2, 1992) [47,064]	186
Texas v. D.S.A. Fin. Publishing Corp. [48,271]	656
Texas Dep't of Human Servs. v. Christian Care Centers, Inc., 826 S.W.2d 715 (Tex. Ct. App. 1992)	466
Texas Dep't of Mental Health & Mental Retardation v. Petty, 817 S.W.2d 707 (Tex. Ct. App. 1991)	232
Texas Rural Legal Aid v. LSC, 783 F. Supp. 1426 (D.D.C. 1992) [45,430]	347
Thacker v. Dixon, 784 F. Supp. 286 (E.D.N.C. 1991)	357
Thibeaux v. Our Lady of Lourdes Medical Center, 591 So. 2d 1290 (La. Ct. App. 1991)	238
Thomas v. Sullivan, 801 F. Supp. 65 (N.D. Ill. 1992)	1534
Thomas v. Sullivan, 785 F. Supp. 788 (C.D. Ill. 1992)	456
Thompson v. Merritt, 481 N.W.2d 735 (Mich. Ct. App. 1991)	462
Thompson v. Secretary of HHS, 790 F. Supp. 753 (S.D. Ohio 1992)	685
Thompson v. Sullivan, 957 F.2d 611 (8th Cir. 1992)	358
Thompson v. Sullivan, 980 F.2d 280 (4th Cir. 1992) [48,651]	1352
Thornton v. Sullivan [48,171]	448
Threatt v. New Jersey Dep't of Human Servs. [48,723]	1515
Thronset v. L.L.S., 485 N.W.2d 775 (N.D. 1992)	837
Tinsley v. Kemp, No. 89-0023-CV-W-1 (W.D. Mo. Jan. 22, 1993) [44,154]	438, 1601
Tipton v. Secretary of Educ., No. 2:90-0105 (S.D. W. Va. Mar. 31, 1992); No. 2:90-0105 (S.D. W. Va. Dec. 14, 1992) [45,765]	544, 1607
Tolman v. Commissioner, Me. Dep't of Human Servs., No. CV-91-489 (Me. Super. Ct. Kennebec County Mar. 30, 1992) [47,829]	217, 345
Tomei v. General Motors Corp., 486 N.W.2d 100 (Mich. Ct. App. 1992)	975
TOPA Management v. Freitas, No. 91C04928 (Antelope, Cal., Mun. Ct. May 8, 1992) [48,142]	440

Torres, <i>In re</i> , No. 560400 (N.Y. Dep't of Social Servs. Aug. 26, 1992) [48,586]	1386
Totz v. Sullivan, 961 F.2d 727 (8th Cir. 1992)	696
Trammell Assocs. v. Moore, No. 92-6180 (Buffalo, N.Y., City Ct. Nov. 13, 1992) [48,672]	1374
Trent v. Secretary of HHS, 788 F. Supp. 939 (E.D. Ky. 1992)	575
Tribble v. Montgomery County Bd. of Educ., 798 F. Supp. 668 (M.D. Ala. 1992)	1392
Trimiar v. Sullivan, 966 F.2d 1326 (10th Cir. 1992)	848
Trust Co., of Okla. v. Oklahoma, 825 P.2d 1295 (Okla. 1991)	354
Tucker v. Sullivan, 779 F. Supp. 1290 (D. Kan. 1991)	236
Tulloch v. Flickinger, 616 A.2d 315 (Del. 1992)	1626
Tunica-Biloxi Tribe v. Louisiana, 964 F.2d 1536 (5th Cir. 1992)	845
Turner v. Chicago Hous. Auth., 969 F.2d 461 (7th Cir. 1992) [45,851]	969
Turpen v. City of Corvallis, Or., No. 91-6085-JO (D. Or. Nov. 19, 1991) [48,046]	339
Turpin, <i>In re</i> (SSA Office of Hearings & App. June 18, 1992) [44,994]	561
Tye v. City of Cincinnati, 794 F. Supp. 824 (S.D. Ohio 1992)	967
Tyrrell v. Sullivan, 972 F.2d 252 (8th Cir. 1992)	1402

U

U.D. Registry v. California [48,414]	804
United States v. A Leasehold Interest in Property Located at 850 S. Maple, 789 F. Supp. 1385 (E.D. Mich. 1992) [45,859]	317
United States v. Blake, No. CIV-90-1064-W (W.D. Okla. Dec. 12, 1991) [46,781]	321
United States v. Board of Educ. of Township of Piscataway, 798 F. Supp. 1093 (D.N.J. 1992)	1524
United States v. City of Taylor, Mich., 798 F. Supp. 442 (E.D. Mich. 1992)	1392
United States v. Dana Properties, Inc., No. S-90-0254 LKK/EM (E.D. Cal. Jan. 29, 1992) [47,987]	204
United States v. Davis, 961 F.2d 603 (7th Cir. 1992)	699

United States v. Fordice, 60 U.S.L.W. 4769 (U.S. June 26, 1992)	570
United States v. Jakeway, 783 F. Supp. 590 (M.D. Fla. 1992)	352
United States v. Leasehold Interest in Property, 789 F. Supp. 1385 (E.D. Mich. 1992) [45,858]	685
United States v. McGrath, No. K-90-944C (D. Md. Aug. 6, 1992) [48,333]	653
United States v. Mississippi Vocational Rehabilitation for the Blind, 794 F. Supp. 1344 (S.D. Miss. 1992)	964
United States v. New York City Hous. Auth. [48,243]	554
United States v. Nordic Village, Inc. 112 S. Ct. 1011 (1992)	220
United States v. Plainbull, 788 F. Supp. 1147 (D. Mont. 1990)	574
United States v. Southern Management Corp., 955 F.2d 914 (4th Cir. 1992) [46,158]	333
United States v. Tower Loan of Miss., No. J90-0447 (L) (S.D. Miss. Oct. 25, 1991) [46,779]	182
United States v. Village of Marshall, Wis., 787 F. Supp. 872 (W.D. Wis. 1992)	573
United States Inv. & Dev. Corp. v. Rhode Island Dep't of Human Servs., 606 A.2d 1314 (R.I. 1992)	700
University of Maryland v. Boyd, 612 A.2d 305 (Md. Ct. Spec. App. 1992)	1394
Upjohn v. Ohio Dep't of Human Servs., 603 N.E.2d 1089 (Ohio Ct. App. 1991)	1527
Uppendahl, Marriage of, <i>In re</i> , 828 P.2d 1048 (Or. Ct. App. 1992)	463

V

V., L., <i>In re</i> , 482 N.W.2d 250 (Neb. 1992)	467
Vadon v. Coye [48,107]	331
Valdez v. San Antonio Chamber of Commerce, 974 F.2d 592 (5th Cir. 1992)	1393
Valdivia v. California Dep't of Health Servs., No CIV-S-90-1226 EJG PAN (E.D. Cal. July 24, 1992) [45,464]	662
Van Tassel v. Sullivan, 781 F. Supp. 1535 (D. Colo. 1992); 789 F. Supp. 1108 (D. Colo. 1992)	236, 684
Vang v. Healy, 804 F. Supp. 79 (E.D. Cal. 1992) [48,562]	1355

VanName v. VanName, 419 S.E.2d 373 (S.C. Ct. App. 1992)	965
Velez v. Coler, 978 F.2d 647 (11th Cir. 1992)	1525
Veliz v. Meehan, 609 A.2d 45 (N.J. Super. Ct. App. Div. 1992)	844
Van Poyck v. Dugger, 779 F. Supp. 571 (M.D. Fla. 1991)	234
Varshavsky v. Perales, No. 40767/91 (N.Y. Sup. Ct. New York County Nov. 26, 1991) [46,484]	453
Vecchi v. Thomas, 588 N.E.2d 186 (Ohio Ct. App. 1990)	351
Vega v. Kodak Caribbean, Ltd., 807 F. Supp. 872 (D. Puerto Rico 1992)	1628
Verdonck v. Scopes, 590 N.E.2d 545 (Ill. App. Ct. 1992)	457
Vesterstein v. Branley, No. C5-92-600723 (Minn. Dist. Ct. St. Louis County May 8, 1992) [48,133]	442
Vialez v. New York City Hous. Auth., 783 F. Supp. 109 (S.D.N.Y. 1991)	354
Vigue v. Ives, No. 91-0131-P (D. Me. Mar. 27, 1992) [46,928]	1353
Village Assocs. v. Perez, 602 A.2d 304 (N.J. Super. Ct. Law Div. 1991)	353
Villanueva v. Creditors Serv. Bureau of El Paso, No. CIV 92-0392 HB/WWD (D.N.M. June 2, 1992) [47,949]	1603
Vincent v. Town of Lancaster, No. 92-E-01 (N.H. Super. Ct. Coos County Feb. 6, 1992) [48,737]	1515
Vizcarrondo v. Foley [48,252]	659
Voecks v. Voecks, 491 N.W.2d 107 (Wis. Ct. App. 1992)	1520
W	
W., <i>In re</i> [48,606]	1363
W., <i>In re</i> , No. 92 149 051 010 (Medicare Hearing Dep't Oct. 19, 1992) [48,646]	1367
W., Baby, Adoption of, <i>In re</i> , 831 P.2d 643 (Okla. 1992)	688
W., C., <i>In re</i> , 479 N.W.2d 105 (Neb. 1992)	233
W., L., Guardianship of, <i>In re</i> , 482 N.W.2d 60 (Wis. 1992)	466
W., L., Interest of, <i>In re</i> , 486 N.W.2d 486 (Neb. 1992)	837
W. v. Ryder, No. 90 C 3479 (N.D. Ill. Feb. 2, 1993) [48,802]	1617

Wagstaff v. Department of Employment Sec., 826 P.2d 1069 (Utah Ct. App. 1992)	471
Walizer v. Dep't of Pub. Welfare, 611 A.2d 1359 (Pa. Commw. Ct. 1992)	1396
Wallace v. Mulholland, 957 F.2d 333 (7th Cir. 1992)	350
Walls v. Oxford Management Co. [48,484]	945
Walls Builders v. V., No. 89C-04-028 (Del. Super. Ct. Sussex County Sept. 14, 1992) [48,694]	1485
Walston v. Sullivan, 956 F.2d 768 (8th Cir. 1992)	358
Ward v. Harte, 794 F. Supp. 109 (S.D.N.Y. 1992)	971
Warner, <i>In re</i> (SSA Office of Hearings & App. Mar. 11, 1992) [48,002]	209
Warren v. Palmer, No. 039-22862 (Iowa Dist. Ct. Polk County Aug. 4, 1992); No. 92-1402 (Iowa Sup. Ct. Sept. 28, 1992) [48,338]	665, 936
Washington, <i>In re</i> , 967 F.2d 173 (5th Cir. 1992)	834
Washington v. Board of Supervisors of San Diego County, No. D016346 (Cal. Ct. App. Mar. 17, 1992); No. 647805 (Cal. Super. Ct. San Diego County Sept. 1, 1992) [47,789]	216, 829, 1512
Washington Legal Clinic for the Homeless v. Kelly [48,411]	815
Washington Legal Found. v. Massachusetts Bar Found., 795 F. Supp. 50 (D. Mass. 1992)	962
Washington State Coalition for the Homeless v. Department of Social & Health Servs., No. 91-2-15889-4 (Wash. Super. Ct. King County Aug. 21, 1992) [47,062]	818
Wayne County Bureau of Support v. Wolfe, 595 N.E.2d 421 (Ohio Ct. App. 1991)	850
Wedge, <i>In re</i> , No. 92-A-00779 (Me. Dep't of Labor Mar. 6, 1992) [48,724]	1508
Weeks v. Weeks, 821 S.W.2d 503 (Mo. 1991)	351
Weaver v. Toombs, 948 F.2d 1004 (6th Cir. 1991)	234
Weikert v. Sullivan, 977 F.2d 1249 (8th Cir. 1992)	1533
Welsh v. City of Tulsa, Okla., 977 F.2d 1415 (10th Cir. 1992)	1523
West v. Director, Mo. Div. of Family Servs., 821 S.W.2d 873 (Mo. Ct. App. 1991)	228

West v. Sullivan, 973 F.2d 179 (3d Cir. 1992) [44,143]	1394	Williams v. Moyer, No. 92-08917 CA 21 (Fla. Cir. Ct. Dade County Nov. 18, 1992) [48,509]	928, 1485
Western Shoshone Nat'l Council v. Molini, 951 F.2d 200 (9th Cir. 1991)	232	Williams v. O'Leary, 805 F. Supp. 634 (N.D. Ill. 1992)	1531
We Who Care v. Sullivan, 781 F. Supp. 57 (D. Me. 1992) [46,026]	175	Williams v. Raiford, 976 F.2d 942 (5th Cir. 1992) [48,532]	955, 1404
Wexford Ridge Assocs. v. Bankston, No. 92-SC-5891 (Wis. Cir. Ct. Dane County Jan. 12, 1993) [48,731]	1496	Williams v. School Dist. of Bethlehem, Pa., 799 F. Supp. 513 (E.D. Pa. 1992)	1391
W.G. v. Board of Trustees, 789 F. Supp. 1070 (D. Mont. 1991)	689	Williams v. Sullivan [47,279]	193
Whitaker v. Clementon Hous. Auth., 788 F. Supp. 226 (D.N.J. 1992)	573	Williams v. Sullivan, 970 F.2d 1178 (3d Cir. 1992)	974
White v. Employment Appeal Bd., 487 N.W.2d 342 (Iowa 1992)	974	Williams v. Unemployment Compensation Bd. of Review, 596 A.2d 1191 (Pa. Commw. Ct. 1991)	239
White v. Sullivan, 965 F.2d 133 (7th Cir. 1992) . .	847	Willingham Auto World v. Jones, 833 S.W.2d 232 (Tex. Ct. App. 1992)	964
Whiteside v. Nelson, No. 92-CH-140 (Ill. Cir. Ct. St. Clair County Apr. 20, 1992) [48,176]	447	Willis, <i>In re</i> , 840 P.2d 697 (Or. 1992)	1520
Whitt v. Philadelphia Hous. Auth., No. 92-1583 (E.D. Pa. June 26, 1992) [48,288]	669	Willowbrook Apartment, Inc. v. McCane [48,508]	941
Wiedmeier v. North Dakota Dep't of Human Servs., No. 920002 (N.D. Sup. Ct. Nov. 24, 1992) [46,878]	215, 1384	Willy v. Coastal Corp., 112 S. Ct. 1076 (1992) . .	219
Williams v. Forsberg, No. 90-7275F (Mass. Super. Ct., Suffolk County, Apr. 14, 1992) [46,924]	318, 948	Wilson v. Wilson, 827 P.2d 788 (Kan. Ct. App. 1992)	461
Wiessing, <i>In re</i> , 593 N.E.2d 1137 (Ill. App. Ct. 1992)	695	Winchell v. USDA, 790 F. Supp. 214 (D. Mont. 1989)	696
Wilderson v. Sullivan, 780 F. Supp. 1347 (D. Colo. 1992)	219	Winkley v. Bristol-Meyers Squibb Co., 793 F. Supp. 738 (E.D. Mich. 1992)	967
Wildes, <i>In re</i> (SSA May 26, 1992) [48,189]	449	Winn v. Sullivan, 787 F. Supp. 172 (E.D. Mo. 1992)	456
Wilkerson v. Alliance Corp. (<i>In re</i> Wilkerson), No. 1-91-01182 (1) 7 (Bankr. W.D. Ky. July 9, 1992) [48,354]	800	Winslow v. Maine Dep't of Human Servs., 795 F. Supp. 47 (D. Me. 1992)	968
Wilkins v. Secretary of HHS, 953 F.2d 93 (4th Cir. 1991)	235	Winston, Guardianship of, <i>In re</i> , 607 A.2d 907 (Me. 1992)	694
Wiley v. Thompson [48,026]	204	Winston v. Simonton [46,746]	1498
Williams v. Federal Land Bank of Jackson, 954 F.2d 774 (D.C. Cir. 1992)	350	Wisconsin v. Mid-America Living Trust [48,273]	656
Williams v. Griffin, 952 F.2d 820 (4th Cir. 1991)	233	Wisconsin <i>ex rel.</i> Roberta S. v. Waukesha County Human Servs., 491 N.W.2d 114 (Wis. Ct. App. 1992)	1529
Williams v. Homestake Mortgage Co., 968 F.2d 1137 (11th Cir. 1992)	835	WKU Credit Union v. Hawks, No. 91-1067 (Ky. Dist. Ct. Warren County Apr. 17, 1992) [48,078]	323
Williams v. Housing Auth. of San Francisco, No. C-90-2150-CAL (N.D. Cal. Dec. 9, 1991) [47,982]	197	Woe v. Gallant [48,261]	680
Williams v. Marchman [48,613]	1369	Wolf, <i>In re</i> , 486 N.W.2d 421 (Minn. 1992)	845
Williams v. Marshall, 795 F. Supp. 978 (N.D. Cal. 1992)	1401	Woffel v. Morris, 972 F.2d 712 (6th Cir. 1992) . .	1400
		Wollschlager v. Veal, 601 So. 2d 274 (Fla. Dist. Ct. App. 1992)	965
		Wolpoff & Abramson v. Carroll, No. 91-2201 (4th Cir. Mar. 30, 1992) [47,154]	320, 802

Wonders v. Sullivan, No. 89-C-1532 (E.D. Wis. June 29, 1992) [48,244]	543
Wood v. President & Trustees of Spring Hill College, 978 F.2d 1214 (11th Cir. 1992) . . .	1522
Woodbridge v. Dahlberg, 954 F.2d 1231 (6th Cir. 1992)	357
Woodman v. Quincy Hous. Auth. [48,278]	670
Woods v. Executive Office of Communities & Dev., 583 N.E.2d 845 (Mass. 1992)	229
Woods v. HHS, 778 F. Supp. 976 (N.D. Ill. 1991)	219
Woods v. New Jersey Dep't of Educ., 796 F. Supp. 767 (D.N.J. 1992)	1392
Woodstock Assocs. v. Kemp, 796 F. Supp. 898 (E.D. Va. 1992)	1397
World's Finest Chocolate, Inc. v. Unemployment Compensation Bd. of Review, 616 A.2d 1114 (Pa. Commw. Ct. 1992)	1632
Wright v. Finance Serv. of Norwalk [47,859] . . .	181
Wright v. Miller, No. 91-CV-40607-FL (E.D. Mich. Apr. 3, 1992) [47,752]	329
Wright v. Saco Sch. Dep't, 610 A.2d 257 (Me. 1992)	967
Wright v. Transamerica Fin. Servs. [47,941] . . .	1356
Wyatt v. King, 781 F. Supp. 750 (M.D. Ala. 1991); 803 F. Supp. 377 (M.D. Ala. 1992) [6874]	231, 1377
Wyatt v. Secretary of HHS, 974 F.2d 680 (6th Cir. 1992)	1402
Wyoming <i>ex rel.</i> Griffin v. District Court of the Fifth Dist., 831 P.2d 233 (Wyo. 1992) [48,095]	325
Wyoming Dep't of Employment v. Rissler & McMurry Co., No. 92-57 (Wyo. Sup. Ct. Sept. 16, 1992) [48,480]	954
Wyszynski v. Gauthier [48,302]	671

X

X., <i>In re</i> (SSA Office of Hearings & App. Nov. 13, 1992) [48,742]	1506
---	------

Y

Yee v. Escondido, 112 S. Ct. 1522 (1992)	354
Yesler Terrace Community Council v. Kemp, No. C92-535 (W.D. Wash. June 2, 1992) [48,081]	334, 940, 1368
Yonikus, <i>In re</i> , 974 F.2d 901 (7th Cir. 1992) . . .	1390
Young v. Secretary of HHS, 957 F.2d 386 (7th Cir. 1992)	358
Young v. Sullivan, 972 F.2d 830 (7th Cir. 1992)	1389
Yvonne v. New Mexico Dep't of Human Servs., 959 F.2d 883 (10th Cir. 1992)	467

Z

Zahradnik v. Sullivan, 966 F.2d 355 (8th Cir. 1992)	848
Zaken v. Boerer, 964 F.2d 1319 (2d Cir. 1992) . .	839
Zambrano v. INS, 972 F.2d 1122 (9th Cir. 1992) [43,351]	819
Zatterstrom v. Sullivan, 793 F. Supp. 923 (D. Ariz. 1992)	961
Zayas v. Department of Health & Rehabilitative Servs., 598 So. 2d 257 (Fla. Dist. Ct. App. 1992)	690
Zellman v. Kenston Bd. of Educ., 593 N.E.2d 392 (Ohio Ct. App. 1991)	688
Zeringue v. LaFourche Parish Office of Eligibility Determination, 597 So. 2d 1142 (La. Ct. App. 1992)	691
Zimmerman v. Department of Health & Social Servs., 485 N.W.2d 290 (Wis. Ct. App. 1992)	691
Zobrest v. Catalina Foothills Sch. Dist., 963 F.2d 1190 (9th Cir. 1992)	687
Zunker v. Bertrand, 798 F. Supp. 1365 (E.D. Wis. 1992)	1532 ♦

Federal Register Highlights

Topical Index

ATTORNEYS/ LEGAL SERVICES

Attorney Fees in Social Security Cases . . .	473
Equal Access to Justice Act	702
Fee-Generating Cases	1635
Grant to Provide Legal Services to Migrant Farmworkers	852
Law School Civil Clinical Programs . .	578, 1405
Legal Services in the Tri-Parish Area of Louisiana	1405
Legal Services State Support Center in Missouri	1405
LSC Grant and Cooperative Agreement Awards	702
LSC Recipient Governing Bodies	1635
Meritorious and Innovative Grants	852
Restrictions on Legal Assistance to Aliens	1635
State Support in Texas	1635
Timely Filing for Attorney Fees Under the EAJA	242

CIVIL PROCEDURE/ ADMINISTRATIVE LAW

Unified Agenda of Federal Regulations . . .	1405
---	------

CIVIL RIGHTS

Educational Institutions	578
------------------------------------	-----

CONSUMER

Consumer Price Index	1406
Equal Credit Opportunity	365
Fair Credit Reporting Act	242
Home Mortgage Disclosure	1406, 1635

Home Mortgage Disclosure— Exemptions	1538
Truth in Lending	852
Truth in Lending Act and Disaster Assistance	1405
Truth in Savings	978

DISABILITY

Assistance to States and Early Intervention	853
Assistive Technology	1407
Disability and Rehabilitation Research	1406
Education of Disabled Persons	702, 1538
Education Services for Deaf Students	1406
Educational Media Research, Production, Distribution and Training Program	978
Federal Allotments to States for Developmental Disabilities	242
Independent Living Services for Older, Blind Individuals	578
Individuals with Disabilities Education Act Discretionary Grants	578
OMB Control Numbers	365
Rehabilitation Engineering Centers	1407
Rehabilitation Research and Training Centers	1407
Rehabilitation Short-Term Training . .	473, 1406
Social Security Acquiescence Ruling	365
Special Studies Program	578
Supportive Housing for Persons with Disabilities	852
Survey of Disability Status of Private Employees	578
Technology and Educational Materials . . .	473
Vocational Rehabilitation	1406

DOMESTIC RELATIONS

Child Support Enforcement	579, 702, 1407
Child Support Enforcement and Guardians Ad Litem	1407
Computerized Child Support Enforcement	1407
National Commission on Urban Families . .	242

ECONOMIC DEVELOPMENT

Community Development Work Study Program	1408
Community Investment	853
Community Reinvestment Act	242
Disaster Assistance	1408
Economic Development Assistance Programs	1408, 1538
Local Economic Development Grants	579
Physical Disaster and Economic Injury Loans	1408
Property Appraisals in Disaster Areas . . .	1408
Small Cities Block Grant Program	978
Small Cities Community Development Block Grants	242
Technical Assistance in West Dallas	853
Urban Development Action Grants	702

EDUCATION

Administrative Costs for Head Start Programs	979
Adult Education and Literacy Programs . .	579
Assistance for Local Educational Agencies	365
Bilingual Education	1408
Chapter 1 Program	853
Children with Disabilities in the Head Start Program	1635
Computer Matching Program	243
Demands for Testimony or Records in Legal Proceedings	853
Direct Grant Programs and Fellowship Programs	365
Directory of Designated Low-Income Schools	1408
Even Start Program	579
Family Educational Rights and Privacy . . .	1539

Federal Family Education Loan Programs	1409, 1538
Head Start Program—Minimum Standards	1409
Head Start Program—Denial of Refunding	1409
Head Start Programs	979
Health Professions and Nursing Programs	243
Institutional Eligibility Under the Higher Education Act of 1965	243
Institutional Eligibility to Participate in Student Loan Programs	1409
Minority Science Improvement Program . . .	1408
Noncitizen Applicants for Student Assistance	1538
Pell Grant Program	473, 579, 1410
Perkins Loan and National Defense Student Loan Programs	579
Special Education for Migrant Children . . .	1410
Student Assistance General Provisions	854, 1409
Student Loan Need Analysis System	365
Student Loan Programs	703
Submission of Data by State Educational Agencies	243
Surplus Federal Real Property	1410
Territories and Freely Associated States Educational Grant Program	1635
Transitional Bilingual Education	979
Vocational Education	853

EMPLOYMENT

Age Discrimination in Employment Act Waivers	243
Employment Program for Public Housing Residents	1410
Fair Labor Standards Act	1410
Federal Sector Equal Employment Opportunity	366
Job Training Partnership Act	366, 473, 703, 1410, 1539
JTPA Assistance for Dislocated Workers . .	1410
Lower Living Standard Income Level	366
Nontraditional Employment for Women . . .	366
Older Workers Benefit Protection Act	243

Unfair Immigration-Related Employment Practices	1410
---	------

FOOD PROGRAMS

Child and Adult Care Food Program	580
Child Nutrition Programs	244
Collecting from Households Overissued Food Stamps	854
Commodity Supplemental Food Program	244
Electronic Benefit Transfer Systems	366
Emergency Food Assistance	1411
Enhanced WIC Package for Breast-Feeding Women	1411
Food Stamp Application and Income Exclusion Provisions	1539
Food Stamp Electronic Benefit Transfer Systems	979
Food Stamp Program Employment and Training Provisions	1411
Food Stamp Program Maximum Allotments	244
Food Stamp Quality Control Error Rate Liabilities	979
National School Lunch, Special Milk, and School Breakfast Programs	580
Nutrition Program for the Elderly	1411
School Lunch and Breakfast Programs	854
Summer Food Service Program for Children	1539
Taxpayer Identification Numbers of Food Stores	244
Unlawful Acceptance of Food Stamp Coupons	243
WIC Program	244, 854
WIC Program Eligibility for Homeless Persons	854

GOVERNMENT AND GOVERNMENTAL SERVICES

Cumulative List of Public Laws	1411
Cumulative Report on Rescissions and Deferrals	244
General Accounting Office Compliance Report	244
Price Changes to Federal Register Publications	979
Unified Agenda of Federal Regulations	366

HANDICAPPED PERSONS

> See **DISABILITY**

HEALTH

Accreditation of Home Care Organizations	474
Aggregate Payments to Disproportionate-Share Hospitals	1413
AIDS-Related Educational Materials	245
AIDS-Related Written Materials	581
Ambulatory Surgical Center Payment Rates Under Medicare	1411
Community and Migrant Health Centers	855, 980
Computer Matching Program	980
Continuous Use of Durable Medical Equipment	1415
Coordination of Medicaid with WIC	581
Disapproval of Texas State Plan Amendment	580
Federally Qualified HMOs	703
Fraud and Abuse in the Medicaid and Medicare Programs	1636
Health Care for Rural Areas	1636
HIV Care Grants	703
HMO Qualification Determination	1636
Home and Community-Based Services Under Medicaid	581
Medicaid Certification of Long-Term Care Facilities	1413
Medicaid Drug Claims	1412
Medicaid Eligibility and Coverage Requirements	1636
Medicaid Eligibility of Pregnant Women and Cooperation Requirements	1636
Medicaid Income and Eligibility Verification Systems	1411
Medicaid Management Information System	855
Medicaid Program Amendments	1636
Medicare Actuarial Rates and Supplementary Medical Insurance Premium Rates	1414
Medicare and Medicaid Fraud and Abuse	244
Medicare and Medicaid Information Collection	1414

Medicare and Medicaid Program	
Issuances	1412
Medicare Beneficiary Counseling	855
Medicare Carrier Jurisdiction	581
Medicare Claims Processing	1412
Medicare Coverage and Payments	
Provisions	854
Medicare Coverage of Home Health	
Costs	980
Medicare Coverage of Thermography	1413
Medicare Deductible and Coinsurance	
Amounts	1414
Medicare Economic Index	1413
Medicare Fee Schedule for Certified Nurse Anesthetists	703
Medicare Fee Schedule for Physicians' Services	980
Medicare Hospital Inpatient Prospective Payment System	703, 1412
Medicare Hospital Insurance	1415
Medicare Intermediary and Carrier Performance	980
Medicare Part A Premium	1414
Medicare Payment for Durable Medical Equipment	1415
Medicare Payment for Federally Qualified Health Center Services	580
Medicare Payment for Home Dialysis	1413
Medicare Payment for Skilled Nursing Facility Inpatient Routine Service	
Costs	1411
Medicare Peer Review Organizations	581
Medicare Physician Fee Schedule	1413
Medicare Physician Performance	
Standard Rates of Increase	1414
Medicare Prospective Payment System	979
Medigap Policies	855
Minority Health Professionals	245
Nursing Home Residents' Funds	1412
Offset of Medicare Payments to Collect Education Loans	473
Peer Review Organizations	1412
Preadmission Screening and Annual Resident Review	1414
Primary Medical Care Professional Shortage Areas	1412

Provider-Related Donations, Health Care-Related Taxes, and Disproportionate Share Hospitals	1413
Quarterly Listing of Medicare and Medicaid Program Issuances	244, 580, 1539
Requirements for Long-Term Care Facilities	980
Revaluation of Assets for Medicare and Medicaid Purposes	980
Schedule of Limits on Home Health Agency Costs	703
Substance Abuse	1412
Substance Abuse—Disaster Assistance	1415

HOUSING

Affordable Housing Disposition Program	474, 582
CDBG Direct Homeownership Assistance	856
Community Development Block Grant Program	1416
Community Development Technical Assistance	246
Comprehensive Housing Affordability Strategies	981
Congregate Housing Services Program	1417
Contracting with Public Housing Resident-Owned Businesses	474
Determination of Areas of Undue Concentration of Poverty-Level Populations	1540
Emergency Community Services Homeless Grant Program	582
Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects	981
Fair Housing	1416
Fair Housing Complaint Processing	368
Family Self-Sufficiency Program	981
FHA-Insured Mortgages	1415
Flexible Subsidy Program	704
FmHA Housing Funds	1417
FmHA Single-Family Housing Inventory	704
HOME Investment Partnerships Program	1417, 1637
Home Mortgage Disclosure Act	982
HOPE for Elderly Independence Program Guidelines	474

HOPE for Homeownership of Multifamily Units Program	1415
HOPE for Homeownership of Single Family Homes	1416
HOPE Funding Awards	981
Housing Counseling	1416
Housing Counseling Awards	246
Housing Opportunities for Persons with AIDS	1637
HUD Acquisition Regulation	1417
HUD-Insured Loans	982
HUD-Insured Mortgages	1417
HUD Loan and Mortgage Insurance	367
HUD Mortgagee Review Board	704
Indian Housing	582
Loan and Mortgage Insurance	982
Low-Income Housing Credit	582
Low-Income Housing Tax Credits	981
Mortgage and Loan Insurance	704
Mortgagee Review Board Administrative Actions	1637
Multifamily Affordable Housing Disposition	855
Mutual Mortgage Insurance and Rehabilitation Loans	1415
Occupancy Standards for Fair Housing and Equal Opportunity	1539
Performance Funding System	245
Prepayment of HUD-Insured Mortgage on Low-Income Housing	367
Preservation of Multifamily Assisted Rental Housing	367
Preservation of Multifamily Low-Income Housing	1416, 1540
Preservation Value of Low-Income Housing	474
Project-Based Accounting	1417, 1540
Public and Indian Housing Drug Elimination Program	1540
Public Housing Drug Elimination Technical Assistance Program	981
Public Housing Modernization	245
Recipients of Section 515 Loan Funds	1540
Redelegation of Authority Under the Fair Housing Act	982
Regulatory Waiver Requests	704

Rental Voucher and Rental Certificate Programs	1417
Rural Housing Demonstration Program	1418
Rural Housing Targeting Set Aside	245
Section 5(h) Homeownership Program	704
Section 8 Contract Rent Annual Adjustment Factors	1540
Section 8 Fair Market Rents	1415
Shelter Plus Care Program	246, 856
Single-Family FHA Mortgage Insurance Premiums	367
Smoke Detectors for HUD-Assisted Housing	704
Supportive Housing for the Elderly	366, 855
Supportive Housing Funding Awards	367
Surplus Federal Property	245, 366, 474, 581, 704, 855, 981, 1417, 1540, 1636
Technical Assistance Planning Grants	1416
Technical Assistance to Community Housing Development Organizations	1417
Termination of Consolidated Supply Program	245
Unused Emergency Shelter Grants	1416
Waiver Requests	367
Youth Sports Programs	981

IMMIGRATION

Adjustment of Status	1418
Adjustment of Status for Legalized Aliens	246
Adjustment Procedures for Aliens	
Granted Asylum	983
Alien Registration Receipt Card	582
Aliens with Temporary Work Authorization	582
Family Members of U.S. Citizens	982
Inspection of Persons Applying for Admission	1637
Legalization of Seasonal Agricultural Workers	368
Mailing Addresses for Filing Asylum Applications	582
Penalties for Document Fraud	705
Refugee Resettlement Program	983
Rules of Procedure	705
Seasonal Agricultural Services Worker Shortage	1418

Waiver of Fees	856
--------------------------	-----

JUVENILES

Child Care and Development Block Grant	856
Child Welfare Services	1418

MENTAL HEALTH

Vocational Training for Institutionalized Individuals	1418
--	------

MIGRANTS

Farm Labor Housing	1418
Migrant and Seasonal Agricultural Worker Protection	246
Migrant Education	583
Seasonal Agricultural Workers	583

NATIVE AMERICANS

Community Development Block Grants	368
Health Professionals	246
Housing	983
Indian Health Care	705
Indian Health Scholarships	246
Indian Health Service	246
Indian Health Service and Environmental Impact Statements	1540
Indian Health Service Core Data	983
Migratory Bird Hunting	983
Near-Reservation Designations	368
Petition for Federal Acknowledgment as an Indian Tribe	247
Rejected Statute-of-Limitations Claims	1419
Revolving Loan Fund	1419
Vocational Rehabilitation for Indians with Disabilities	247

PRISONS

Escorted Trips	474
Inmate Grievance Procedures	856
Psychiatric Treatment and Medication	1419
Travel by Federal Parolees	1419
Volunteer Community Service Projects	1637

PUBLIC UTILITIES/ENERGY

Average Unit Costs of Energy	1541
--	------

Low Income Home Energy Assistance Program	247
--	-----

RURAL ISSUES

Alternative Dispute Resolution	705
Assistance for Beginning Farmers	475
Authority to Approve Debt Settlements	983
Collateral for Insured Farmer Program Loans	369
Construction and Repair	1420
Crop Insurance Waiver Provisions	1419
Equal Access to Justice Act	1420
Farm Credit Administration Financing	475
Farm Credit System Assistance Board	583
Farm Loan Policies and Operations	1419
Farmer Program Loan Account Servicing	369
FmHA Guaranteed Loans	247
Holding Period for Suitable Inventory Farm Property	475
Liquidations of Loans Secured by Real Estate	1420
Nondiscrimination in Lending	368
Processing and Servicing FmHA Assistance	1541
Processing of Debt Settlement Claims	983
Rural Development	1637
Rural Development Programs	368
Rural Economic Development	984

SENIOR CITIZENS

Foster Grandparent and Senior Companion Programs	475
---	-----

SOCIAL SECURITY/SSI

Access to Records Maintained by the Office of Hearings and Appeals	247
Administrative Finality	985
Adult Mental Disorders Listings	584
Allegations of Bias or Misconduct by ALJs	1421
Cardiovascular System Listing	583, 1421
Child's Insurance Benefits	247
Compensation of Representative Payees	583
Computer Matching Program	705
Correction of Earnings Records	475

Coverage of Certain State and Local Government Employees	1421
Deemed Marriage Provision	584
Definition of a "Fee" for Social Security Coverage Purposes	248
Definition of Resources for SSI Purposes	856
Disability Benefits and Workers' Compensation	584
Earnings and Benefits Statements	1421
Entitlement of Deemed Widows	584
Evaluation of HIV Infection	248
Methods of Computing Primary Insurance Amounts	583
1992 Cost-of-Living Increase	369
1993 Cost-of-Living Increase	1420
OASDI Benefits	984
Parent-to-Child Deeming	1420
Payment of OASDI to a Child Adopted by a Surviving Spouse	247
Presumptive Disability	1421
Project NetWork	475
Reduction of Social Security Disability Benefits Due to Receipt of State Disability Payments	247
Rescission of Social Security Ruling	984
Respiratory System Listings	1421
Settlement Agreement in <i>Stieberger v. Sullivan</i>	984
Social Security Acquiescence Ruling	247, 248
Social Security Ruling on Netting Regulations	584
Special Age 72 Payments	475
Special Disability Standard for Widows, Widowers, and Surviving Divorced Spouses	705
Special Minimum Benefit	476
SSI for Disabled Children	248
SSI Technical Changes	1421
Technical Changes in the SSI Program	1421
Trial Work Period for Disability Recipients	984
Use of Alternative Dispute Resolution	1420
Waiver of Recovery of Overpayment	584

UNEMPLOYMENT COMPENSATION

Emergency Unemployment Compensation Program	248, 705, 856, 1422
Unemployment Compensation for Ex-Servicemembers	1422
Unemployment Insurance Program Letters	248, 1422
Unemployment Insurance Service Proposes Performance Measures	585

VETERANS/MILITARY

Active Military Service	985
AFDC Quality Control System	1424
Block Grants to States for Social Services	1424
Computer Matching Program	369, 476, 1424
Cost-of-Living Adjustments for Certain Benefits	1422
Cost-of-Living Adjustments for Service-Connected Benefits	1423
Definition of Active Military Service	1423
Dental Services for Veterans	985
Dependency and Income	1423
Dependents' Education	585, 1424
Disability	1423
Disability Evaluations for HIV-Related Illnesses	249
Educational Assistance	369
Educational Benefits	369
Election of Subsistence Allowance	1423
General Counsel Opinions	1422
Guaranteed Home Loans	706
Guaranteed Housing Loans	857
Interest Rates on Home Loans	248
Loan Guaranty Program	249, 985, 1423, 1424
Mandatory Disclosure of Social Security Numbers	249
Medical Care Reimbursement Rates	1423
Mustard Gas Exposure	706
Nomenclature Changes	706
Offset of VA Benefits to Collect on Debts	1422
Outpatient Dental Services	248
Pass-Through of Child Support	1424

Per Diem Rates for Domiciliary, Nursing Home, and Hospital Care	1637
Procedural Due Process and Appellate Rights	1423
Quality Control	1424
Recognition of Organizations Representing Claimants	706
Reservists' Education	1422
Rules of Practice Before the Board of Veterans' Appeals	857
Rules of Practice for Appeals	243
Schedule for Rating Disabilities	585
Verification of Veterans' Education Enrollments	585

Veterans Job Training Act	1422
Veterans' Education	857, 985
Veterans' Employment and Training	369
Waiver of Collection on Home Loan Indebtedness	706
Waivers and Compromises	1541

WELFARE

AFDC Administration	707
AFDC Program Changes	706
At-Risk Child Care Program	857
Computer Matching Program	707
Emergency Food and Shelter Program	476 ♦

2

3

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<i>Monthly Issues</i>	<i>Pages</i>	<i>Monthly Issues</i>	<i>Pages</i>
Special Issue 1992	1-140	November 1992	729-878
May-June 1992	141-268	December 1992	879-1002
July 1992	269-386	January 1993	1003-1300
August 1992	387-488	February 1993	1301-1444
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